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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

IN THE MATTER OF THE:)
)
PERMITTING AND)
ENFORCEMENT COMMITTEE)
_____)

DATE AND TIME: THURSDAY, OCTOBER 16, 1997
9:30 A.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA

REPORTER: BETH C. DRAIN, RPR, CSR
 CERTIFICATE NO. 7152

BRS FILE NO.: 42103

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APPEARANCES

MR. ROBERT FRAZEE, CHAIRMAN (NOT PRESENT)
MR. STEVEN R. JONES, MEMBER
MR. PAUL RELIS, MEMBER

STAFF PRESENT

MR. KEITH SMITH, DEPUTY DIRECTOR
MS. KATHRYN TOBIAS, LEGAL COUNSEL
MS. LORI LOPEZ, COMMITTEE SECRETARY

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1

2 SACRAMENTO, CALIFORNIA; THURSDAY, OCTOBER 16, 1997

3 9:30 A.M.

4

5 CHAIRMAN JONES: GOOD MORNING AND WELCOME
6 TO THE OCTOBER 16TH MEETING OF THE PERMITTING AND
7 ENFORCEMENT COMMITTEE. BEFORE LORI TAKES THE ROLL,
8 I WILL SAY THAT MR. FRAZEE IS STUCK ON THE EAST
9 COAST DUE TO SOME PROBLEMS WITH THE BUILDING, I
10 GUESS, FOR AIR TRAFFIC CONTROLLERS, THAT THEY ALL
11 GOT SICK OR SOMETHING. SO HE'S STUCK, COULDN'T
12 MAKE IT. AND SO MR. RELIS AND I ARE GOING TO HOLD
13 DOWN THE FORT TODAY.

14 LORI, COULD YOU TAKE THE ROLL,
15 PLEASE.

16 THE SECRETARY: BOARD MEMBER JONES.

17 CHAIRMAN JONES: HERE.

18 THE SECRETARY: BOARD MEMBER RELIS.

19 MEMBER RELIS: HERE.

20 THE SECRETARY: CHAIRMAN FRAZEE. ABSENT.

21 CHAIRMAN JONES: OKAY. FOR ANY OF YOU OUT
22 THERE WISHING TO SPEAK TO AN ITEM, THERE ARE
23 SPEAKER SLIPS IN THE BACK OF THE ROOM. IF YOU FILL

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24 THEM OUT AND BRING THEM FORWARD TO LORI, WE WOULD
25 APPRECIATE THAT. AND I WILL ASK IF THERE'S ANY EX

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1 PARTES.

2 MEMBER RELIS: YES, MR. CHAIR. I JUST HAD
3 A CONVERSATION WITH LARRY SWEETSER, NORCAL,
4 REGARDING HIS ITEM COMING BEFORE US.

5 CHAIRMAN JONES: OKAY. AND I -- NOT ON AN
6 ITEM HERE, BUT JUST A QUICK UPDATE. I SPOKE WITH
7 GEORGE LARSON ABOUT OUR TRANSPORT PACKAGING
8 INITIATIVE THAT HAPPENED DOWN IN SAN JOSE LAST WEEK
9 THAT WAS VERY SUCCESSFUL AND TRIED TO GET SOME
10 INPUT FROM HIM. OTHER THAN THAT, EVERYTHING ELSE
11 IS UP TO SPEED.

12 COUPLE OF ANNOUNCEMENTS ON TODAY'S
13 AGENDA. ITEMS NO. 3, NO. 4, AND NO. 7 HAVE BEEN
14 PULLED, MAKING FOR A SHORT DAY. AND WE ARE -- WE
15 HAVE A 2136 ITEM THAT IS SCHEDULED FOR NO -- FOR
16 THE EIGHTH ITEM ON THE AGENDA. WE MAY TAKE THAT
17 OUT OF ORDER AND PUT IT IN THE NINTH BECAUSE WE'VE
18 BEEN NOTIFIED THAT SOMEBODY FROM SENATOR THOMPSON'S
19 OFFICE WANTED TO SPEAK TO THE ITEM, AND THEY WERE
20 TOLD PROBABLY ABOUT 10:30. AND WITH A LITTLE LUCK,
21 WE'LL BE OUT OF HERE BY 10:15. SO WE WILL HOLD
22 THIS TO THE LAST ITEM AND GIVE THEM AN OPPORTUNITY
23 TO SPEAK TO THE ITEM IF THEY'RE HERE.

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24 I 'LL RELY ON TODD TO GIVE ME A HIGH

25 SIGN WHEN THAT ITEM COMES. ALL RIGHT.

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1 MS. RICE, WOULD YOU LIKE TO MAKE A
2 REPORT ON YOUR DIVISION.

3 MS. RICE: THANK YOU, MR. CHAIRMAN, MEMBER
4 RELIS. I'LL HAVE A VERY BRIEF REPORT THIS MORNING.
5 THIS IS THE MONTH WHEN ORDINARILY I WOULD BE
6 PROVIDING THE QUARTERLY UPDATE ON DELEGATED
7 APPROVALS WITHIN THE DIVISION ON VARIOUS ISSUES,
8 MODIFIED PERMITS, ETC. WE'VE HAD SOME BREAKDOWNS
9 IN OUR DATA GATHERING EFFORTS IN THE DIVISION, AND
10 THUS I'LL HAVE A FULL REPORT FOR THE BOARD MEMBERS
11 IN HARD COPY WITHIN THE WEEK AND WOULD PLAN ON
12 INCLUDING A VERBAL UPDATE IN NEXT MONTH'S REPORT IF
13 THAT'S ACCEPTABLE TO THE COMMITTEE. DON'T HAVE ALL
14 THE PARTS AND PIECES WITH ME THIS MORNING.

15 SECONDLY, WANTED TO ADVISE MEMBERS
16 AND AUDIENCE OF UPCOMING TIRE WORKSHOPS ON THE
17 REGULATIONS. AS YOU RECALL, THE COMMITTEE AND THE
18 POLICY COMMITTEE HAVE DIRECTED THAT STAFF LOOK AT
19 REVISIONS TO OUR WASTE TIRE FACILITY REGULATIONS TO
20 MORE ACCURATELY AND APPROPRIATELY ADDRESS YOUR
21 GOALS FOR THOSE TYPES OF FACILITIES.

22 WORKSHOPS WILL BE NOTICED. I BELIEVE
23 THE MAILING IS GOING OUT TODAY OR TOMORROW FOR

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24 THREE LOCATIONS AND WOULD ENCOURAGE ALL INTERESTED

25 PARTIES TO GET THOSE DATES ON THEIR CALENDAR AND

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1 PLAN TO PARTICIPATE. NOVEMBER 18TH IN SACRAMENTO,
2 DECEMBER 3D IN VISALIA, AND DECEMBER 9TH IN DIAMOND
3 BAR. AND AGAIN, THAT NOTICE WILL BE IN THE MAIL
4 WITH A COPY OF DRAFT REGULATORY LANGUAGE WITHIN THE
5 NEXT DAY OR SO.

6 ALSO VERY BRIEFLY, STAFF DID HOLD A
7 WORKSHOP YESTERDAY WITH A NUMBER OF INTERESTED
8 PARTIES TO HELP STAFF IN DRAFTING NEW DRAFT OF
9 PROPOSED REGULATIONS TO PLACE TRANSFER AND
10 PROCESSING OPERATIONS AND FACILITIES INTO THE
11 REGULATORY TIERS. I UNDERSTAND WE HAD A VERY
12 SUCCESSFUL WORKSHOP AND WANT TO THANK ALL THOSE WHO
13 PARTICIPATED IN THAT. WE HOPE TO BE BACK TO THIS
14 COMMITTEE NEXT MONTH, NOVEMBER, TO REQUEST THAT YOU
15 CONSIDER BEGINNING THE FORMAL RULEMAKING PROCESS,
16 THE OAL PROCESS, WITH THOSE REGULATIONS. SO YOU
17 WILL SEE THAT FOR NOVEMBER.

18 PURSUANT TO THIS COMMITTEE'S PRIOR
19 DIRECTION, THE INVENTORY OF FACILITIES THAT VIOLATE
20 STATE STANDARDS IS NOW READY TO BE PLACED ON THE
21 INTERNET. YOU SHOULD SEE THAT PLACEMENT WITHIN THE
22 NEXT WEEK OR SO AS WE PREPARE THE DOCUMENT FOR THE
23 INTERNET.

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24 AND LASTLY, THIS COMMITTEE HAD
25 REQUESTED A FEW MONTHS AGO THAT WE PROVIDE PERIODIC

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1 REPORTS ON USE BY LOCAL ENFORCEMENT AGENCIES OF THE
2 NEW CHIPPING AND GRINDING OPERATIONS REGULATIONS,
3 THE STORAGE STANDARD THAT THE BOARD ESTABLISHED FOR
4 THOSE OPERATIONS.

5 OVERALL WE SEE A DECIDED INCREASE IN
6 INTEREST AND CONSIDERATION OF USING THE NEW
7 REGULATIONS BY LEA'S AS EVIDENCED BY NUMEROUS
8 REQUESTS FOR COPIES OF THE REGULATIONS AND
9 QUESTIONS ABOUT HOW THEY WORK.

10 WE'RE SEEKING TO IMPROVE OUR DATA
11 GATHERING ABOUT USE OF THE REGULATION IN TERMS OF
12 ENFORCEMENT ACTIONS. IT'S NOT ALWAYS EASY TO
13 DISCERN WHEN YOU READ AN ENFORCEMENT LETTER OR
14 ORDER WHAT THE EXACT AUTHORITY IS THAT'S BEING
15 CITED, AND OFTEN IT'S MULTIPLE AUTHORITY. SO THE
16 STORAGE STANDARD MAY JUST BE ONE OF NUMEROUS
17 AUTHORITIES CITED. SO WE'RE TRYING TO GET A LITTLE
18 BETTER HANDLE ON GIVING YOU THE KIND OF INFORMATION
19 YOU WANT.

20 WE ARE AWARE OF AT LEAST FOUR ACTIONS
21 OR PENDING ACTIONS ASSOCIATED WITH THE NEW
22 REGULATIONS INVOLVING VERMICOMPOSTING OR CHIPPING
23 AND GRINDING ACTIVITIES IN THE COUNTIES OF

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24 RIVERSIDE, SAN BERNARDINO, ORANGE, AND FRESNO
25 COUNTIES.

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1 I AM WONDERING AT THIS POINT WHETHER
2 YOU WOULD LIKE THESE REPORTS MONTHLY OR WHETHER I
3 COULD HAVE SOME LEEWAY TO COME BACK AS INFORMATION
4 DEVELOPS, WHETHER IT BE BIMONTHLY OR WHEN WE HAVE
5 IT, OR IF YOU'D LIKE ME JUST TO CONTINUE TELLING
6 YOU WHAT I KNOW ON A MONTHLY BASIS.

7 MEMBER RELIS: MR. CHAIR, I'D APPRECIATE,
8 UNTIL WE GET OUR REGULATIONS IN PLACE, A MONTHLY.
9 I WANTED TO ASK YOU. I SAW IN THE NEWSPAPER A
10 STORY OF ONE OF OUR LEGISLATORS -- WAS ON THE ONE
11 THAT FITZ FITZGERALD, MY STAFF, HAVE LOOKED AT AN
12 OPERATION DOWN IN THE TIJUANA RIVER AREA. THERE
13 WAS A LARGE, ENORMOUS PILES OF ALLEGED VERMI-
14 COMPOSTING OPERATION. AND A LEGISLATIVE MEMBER HAD
15 BECOME INVOLVED IN THIS AND WAS EXPRESSING A GREAT
16 DEAL OF CONCERN ABOUT IT.

17 I DIDN'T SEE ANY REFERENCE TO
18 SPECIFIC ENFORCEMENT ACTION THERE, BUT THAT'S IN
19 THE SAN DIEGO COUNTY. AND IT'S AN AREA WHERE WE
20 HAVE HAD INCIDENTS AND PROBLEMS. SO I, FOR ONE,
21 WOULD LIKE A MONTHLY REPORT.

22 MS. RICE: I'LL BE HAPPY TO DO THAT AND TO
23 TRY TO GET A LITTLE BETTER LEVEL OF INFORMATION.

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24 WE HAVE THE SAN DIEGO LEA IN THE AUDIENCE IF YOU'RE
25 INTERESTED IN INQUIRING ABOUT MORE PARTICULARS ON

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1 THAT. I'M NOT FAMILIAR WITH IT, PAUL.

2 MEMBER RELIS: DO YOU KNOW WHAT I'M
3 REFERRING TO?

4 MR. CALVERT: YEAH. IT'S DISNEY
5 ENTERPRISES.

6 KEN CALVERT WITH SAN DIEGO COUNTY
7 LEA. AND RICHARD DISNEY OPERATES A SITE IN THE
8 TIJUANA RIVER VALLEY. AND UNTIL YESTERDAY THEY HAD
9 BEEN SHUT DOWN FOR TWO WEEKS. THIS WAS AN ACTION
10 THAT HE IMPOSED ON HIMSELF, AND IT WAS ALSO AT THE
11 REQUEST OF THE LEASEHOLDER, WHICH HAPPENS TO BE THE
12 COUNTY PARKS AND RECREATION DEPARTMENT.

13 SO -- AND THE REAL ISSUE IS THAT
14 THERE'S MUCH MORE MATERIAL ON THE SITE THAN MR.
15 DISNEY IS ABLE TO PROCESS. HE'S RECEIVING MORE
16 MATERIAL THAN HE COULD PROCESS AS IT CAME IN. SO
17 THEY'VE ACCUMULATED QUITE A LARGE STOCKPILE.

18 MEMBER RELIS: HE HAD MADE IT --
19 THE NEWSPAPER STORY, OF COURSE, IS JUST A NEWSPAPER
20 STORY. SO I WOULD LIKE TO GET A TRUTH OF THIS
21 PARTICULAR ISSUE. IT ALLEGES THAT HE'S CLOSED DOWN
22 TEMPORARILY, BUT WAS TALKING ABOUT REOPENING, WAS
23 LOOKING FORWARD TO REOPENING SOON. AND IT SEEMS

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24 SURPRISING TO ME THAT HE COULD REOPEN UNDER THE --
25 GIVEN THE SITUATION THAT EXISTS THERE. AND I

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1 WONDERED WHAT THOUGHTS YOU HAD, IF ANY. I DON'T
2 KNOW WHO THE LEGISLATOR WAS WHO WAS --

3 MR. CALVERT: I THINK IT WAS CONGRESSWOMAN
4 DUCHENY.

5 MEMBER RELIS: YES.

6 MR. CALVERT: SHE HELD A PRESS CONFERENCE
7 AT THE SITE. I HAVEN'T HEARD ANY -- WHAT RESULTED
8 FROM THAT, BUT I DO KNOW THAT THE COUNTY HAS BEEN
9 TRYING TO ENFORCE THEIR LEASE AGREEMENT WITH MR.
10 DISNEY, SO THEY'VE BEEN NEGOTIATING WITH HIM. AND
11 I DON'T KNOW AT WHAT STAGE THAT IS.

12 THE LEA HAS TAKEN INDEPENDENT ACTION
13 TO ENFORCE THE EMERGENCY REGS. AND SO THAT IS ALSO
14 PENDING. BUT I'VE HEARD ANECDOTALLY THAT HE OPENED
15 AGAIN YESTERDAY, BUT WE HAVEN'T SEEN THAT.

16 MEMBER RELIS: WELL, I WOULD DEFINITELY
17 LIKE THAT ONE CLOSELY FOLLOWED BECAUSE WE'VE
18 TRACKED IT FROM MY OFFICE. AND IT'S DIFFICULT FOR
19 ME TO COMPREHEND HOW AN OPERATION LIKE THAT, WITH
20 OUR EMERGENCY REGS IN EFFECT, COULD LEGITIMATELY
21 OPERATE. PERHAPS I'M, YOU KNOW, MISSING SOMETHING
22 HERE. SO THAT WORRIES ME, FRANKLY, IF MORE
23 MATERIAL COMES IN AND EXISTING PROBLEM HAS NOT BEEN

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24 ADDRESSED, WHICH BY ALL MEASURE I DON'T THINK THE
25 PILES HAVE DISAPPEARED OR BEEN CONSUMED BY THE

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1 SMALL NUMBER OF WORMS THAT ARE THERE.

2 MR. CALVERT: I THINK THERE IS ONE ISSUE
3 OF WHETHER OR NOT THE EMERGENCY REGS, ALTHOUGH WE
4 DO HAVE THE AUTHORITY TO REQUIRE CERTAIN STANDARDS,
5 SEPARATION, DISTANCE FROM THE PILES, AND CERTAIN
6 STORAGE REQUIREMENTS, IS WHETHER THE LEA HAS THE
7 AUTHORITY TO LITERALLY CLOSE DOWN THE FACILITY OR
8 REQUIRE HIM TO CEASE ACCEPTING MATERIAL. I'M NOT
9 SURE IF THAT'S THE CASE. WE MAY BE ABLE TO DO THAT
10 THROUGH THE LEASE AGREEMENT.

11 MEMBER RELIS: DOES COUNSEL HAVE ANY
12 RESPONSE TO THAT?

13 MS. TOBIAS: WELL, WHY DO YOU THINK THAT
14 YOU COULDN'T CLOSE THEM DOWN, KEN? I THINK THE
15 COUNTY, NO. 1, COULD USE THEIR NUISANCE STATUTES
16 FIRST OF ALL. SECOND OF ALL, I THINK OUR STATUTE
17 WOULD ALLOW YOU TO ISSUE A CEASE AND DESIST IF YOU
18 THINK THERE'S AN IMMINENT DANGER. I CAN CERTAINLY
19 TALK TO YOU MORE ABOUT THAT AND I CAN TALK TO TOM
20 MONTGOMERY. BUT I'M NOT CLEAR THAT THERE WOULD BE
21 A PROBLEM WITH THAT.

22 I DO WANT TO REMIND THE COMMITTEE
23 MEMBERS AND STAFF THAT THIS IS NOT AN AGENDA ITEM.

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24 SO WHAT YOU CAN --

25 MEMBER RELIS: PURELY ANECDOTAL

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1 INFORMATION ITEM. WE'RE NOT TAKING ANY ACTION
2 HERE.

3 MS. TOBIAS: SO WHAT YOU CAN DO IS
4 ACTUALLY ASK THE DEPUTY DIRECTOR TO GO AHEAD AND
5 INVESTIGATE OR TAKE ACTION OR WHATEVER YOU WANT,
6 BUT --

7 MS. RICE: WE'LL WORK WITH KEN TO GET MORE
8 COMPLETE INFORMATION FOR NEXT MONTH, AND WE'LL TAKE
9 YOUR GUIDANCE ON COMING BACK MONTHLY AND TRY TO BE
10 MORE COMPLETE IN THE INFORMATION THAT WE BRING
11 FORWARD.

12 MR. CALVERT: THE LEA IS VERY CONCERNED
13 ABOUT THIS SITE, AND WE WILL BE CONTINUING TO TAKE
14 ENFORCEMENT ACTION AND WORKING WITH THE BOARD
15 STAFF.

16 CHAIRMAN JONES: THANKS, KEN.

17 MS. RICE: THAT CONCLUDES MY REPORT.

18 CHAIRMAN JONES: ALL RIGHT. THANK YOU.

19 SECOND ITEM ON THE AGENDA IS
20 CONSIDERATION OF A NEW SOLID WASTE FACILITY PERMIT
21 FOR THE UNIVERSAL REFUSE REMOVAL, RECYCLING, AND
22 TRANSFER FACILITY IN SAN DIEGO COUNTY.

23 MS. RICE: THANK YOU, MR. CHAIRMAN AND

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24 MEMBERS. AMALIA FERNANDEZ OF STAFF WILL MAKE THE
25 PRESENTATION, ASSISTED BY KEN CALVERT AND REBECCA

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1 LEFRENIERE OF THE LOCAL ENFORCEMENT AGENCY.

2 MS. FERNANDEZ: GOOD MORNING. THE
3 PROPOSED PROJECT IS FOR THE OPERATION OF A MRF
4 TRANSFER STATION IN THE CITY OF EL CAJON IN SAN
5 DIEGO COUNTY. UNIVERSAL REFUSE REMOVAL, A
6 SUBSIDIARY OF WASTE MANAGEMENT, WILL OPERATE THE
7 FACILITY ON LAND OWNED BY THE CITY OF EL CAJON.

8 THE FACILITY WILL OPERATE 24 HOURS A
9 DAY AND WILL HANDLE UP TO A THOUSAND TONS PER DAY.
10 THE FACILITY WILL BE BUILT IN TWO PHASES.

11 PREVIOUSLY THIS SITE WAS OPERATED
12 UNDER A NOTIFICATION TIER AS A SEALED CONTAINER
13 OPERATION. THE OPERATOR NOW PROPOSES TO EXPAND THE
14 OPERATIONS TO INCLUDE THE TRANSFER STATION AND A
15 MRF.

16 WASTE WILL BE DELIVERED IN SEALED
17 CONTAINERS OR REFUSE COLLECTION TRUCKS. SEALED
18 CONTAINERS WILL BE UNLOADED OUTSIDE, AND REFUSE
19 WILL BE MOVED INSIDE THE BUILDING WITH A YARD MULE
20 AND UNLOADED. COLLECTION TRUCKS WILL BACK INTO THE
21 BUILDING AND UNLOAD DIRECTLY ONTO THE TIPPING
22 FLOOR.

23 PHASE II OF THE OPERATION WILL EXPAND

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24 THE TRANSFER BUILDING TO ACCOMMODATE THE MRF.

25 THE CITY OF EL CAJON RECENTLY AMENDED

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1 THEIR NONDISPOSAL FACILITY ELEMENT, ALSO KNOWN AS
2 THE NDFE. THE AMENDED NDFE WILL BE PRESENTED AT
3 THE PLANNING COMMITTEE ON OCTOBER 21ST.

4 AT THIS TIME THE ITEM FOR
5 CONSIDERATION OF THE AMENDED NDFE IS ON THE
6 PLANNING COMMITTEE'S CONSENT CALENDAR. WE
7 RECOMMEND CONCURRENCE IN THE ISSUANCE OF THE PERMIT
8 AND THAT THIS ITEM BE PLACED ON THE BOARD'S CONSENT
9 CALENDAR PENDING APPROVAL OF THE NDFE.

10 IF THE NDFE IS NOT APPROVED BY THE
11 BOARD'S PLANNING COMMITTEE ON THE 21ST, WE WILL ASK
12 THAT THIS ITEM BE PULLED FROM THE BOARD'S CONSENT
13 AGENDA ON THE 22D.

14 REPRESENTATIVES OF THE OPERATOR ARE
15 PRESENT SHOULD YOU HAVE ANY QUESTIONS.

16 MEMBER RELIS: MR. CHAIR, I DO HAVE A
17 QUESTION OF CLARIFICATION.

18 CHAIRMAN JONES: SURE.

19 MEMBER RELIS: NO ISSUE WITH THE PROJECT.
20 I JUST HAVE ON THE PERMIT. I WANTED TO ASK THE
21 APPLICANT, THE OPERATOR, IN THE SCHEMATIC FOR THE
22 PROPOSED RECYCLING PORTION OF THE TRANSFER
23 FACILITY, THERE'S -- IT'S A VERY GENERALIZED

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24 SCHEMATIC. AND I WAS JUST THINKING, HERE WE ARE.

25 WE'RE ABOUT 2.3 YEARS FROM THE 50-PERCENT

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1 ACCOUNTABILITY TIME FRAME. AND I'M WONDERING WHAT
2 YOUR THOUGHTS ARE ABOUT THE IMPLEMENTATION OF THAT
3 PHASE OF YOUR EFFORT THERE.

4 MR. NORTHROP: MY NAME IS TIM NORTHROP
5 WITH UNIVERSAL REFUSE REMOVAL.

6 OUR INTENT HERE IS -- YOU SEE EL
7 CAJON RIGHT NOW IS AT 34 PERCENT. AND THE WAY THAT
8 WE'RE VIEWING THIS IS AS AN OPPORTUNITY TO GET US
9 OVER THE 50 PERCENT FOR THE YEAR 2000, ALONG WITH
10 SOME OTHER PROGRAMS IN THE CITY THAT WE'RE PLANNING
11 TO DO AS A HAULER, WHICH IS THE INCREASED
12 COLLECTION OF SOURCE SEPARATED GREEN WASTE AND
13 EXPANSION INTO MULTI-FAMILY RECYCLING. BUT THIS --
14 WE DON'T HAVE THIS SLATED TO START CONSTRUCTION,
15 YOU KNOW, THIS YEAR. MAYBE NEXT YEAR OR IT MAY BE
16 1999. IT REALLY DEPENDS.

17 WE'RE VIEWING IT MORE AS AN
18 OPPORTUNITY. WHEN WE DID THIS PERMIT, WE WANTED TO
19 MAKE SURE THAT WE HAD THAT OPPORTUNITY INCLUDED IN
20 THE PERMIT SO WHEN WE WANTED TO DO IT, WE COULD
21 REACT QUICKLY. THIS IS A VERY QUICK TIME FRAME ON
22 THIS TYPE OF THING. THIS BUILDING IS ALREADY
23 EXISTING.

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24 MEMBER RELIS: SO YOU COULD INSTALL
25 EQUIPMENT AND IMPLEMENT A PROGRAM RATHER QUICKLY?

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1 MR. NORTHROP: JUST A MATTER OF A FEW
2 MONTHS.

3 MEMBER RELIS: OKAY. THAT'S ALL I WANTED,
4 JUST AN IDEA OF WHAT YOUR PLANS WERE OR STATUS.

5 CHAIRMAN JONES: ONE QUESTION. THE
6 OPERATOR IS AWARE THAT IF THE NDFE IS NOT APPROVED,
7 THEN THE PERMIT DOESN'T GO FORWARD, RIGHT?

8 MR. NORTHROP: WE'RE AWARE OF THAT.

9 CHAIRMAN JONES: I JUST WANTED TO MAKE
10 SURE.

11 MEMBER RELIS: MR. CHAIR, IF THERE'S
12 NOBODY WISHING TO SPEAK, I WILL MOVE CONSIDERATION
13 OF THE UNIVERSAL REFUSE REMOVAL, RECYCLING, AND
14 TRANSFER FACILITY, SAN DIEGO COUNTY.

15 CHAIRMAN JONES: AND I WILL SECOND THAT.
16 ARE WE GOING TO ADD ON THERE, MR. RELIS, THAT IT'S
17 PENDING THE APPROVAL OF THE NDFE?

18 MEMBER RELIS: YES. YES. STATED IN THE
19 STAFF REPORT, YES.

20 CHAIRMAN JONES: ALL RIGHT. I WILL
21 SECOND. MIGHT AS WELL TAKE A ROLL. KEEP IT ALL
22 LEGAL.

23 THE SECRETARY: BOARD MEMBER RELIS.

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24 MEMBER RELIS: AYE.

25 THE SECRETARY: CHAIRMAN JONES.

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1 CHAIRMAN JONES: AYE.

2 MR. RELIS, CAN WE PUT THIS ON
3 CONSENT?

4 MEMBER RELIS: YES.

5 CHAIRMAN JONES: OKAY. THANK YOU VERY
6 MUCH.

7 ITEMS 3 AND 4 BEING PULLED, ITEM 5 IS
8 CONSIDERATION OF A REVISED SOLID WASTE FACILITY
9 PERMIT FOR MIDVALLEY LANDFILL IN SAN BERNARDINO
10 COUNTY.

11 MS. RICE: THANK YOU, MR. CHAIRMAN AND
12 MEMBERS. TADESE GEBRE-HAWARIAT WITH STAFF WILL
13 MAKE THE PRESENTATION FOR THIS ITEM AND ITEM 6,
14 ASSISTED ON BOTH ITEMS BY MATT SLOWIK WITH THE
15 LOCAL ENFORCEMENT AGENCY.

16 MR. GEBRE-HAWARIAT: GOOD MORNING. THE
17 OWNER AND OPERATORS OF THE MIDVALLEY SANITARY
18 LANDFILL IS THE SAN BERNARDINO COUNTY WASTE SYSTEMS
19 DIVISION. UNDER CONTRACT, THE DAY-TO-DAY LANDFILL
20 OPERATIONS IS CARRIED OUT BY NORCAL SAN BERNARDINO
21 INC.

22 THE PROPOSED PERMIT IS TO ALLOW THE
23 FOLLOWING: CHANGE IN THE LANDFILL CLOSURE PERIOD

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24 FROM APRIL 1997 TO SEPTEMBER YEAR 2004. AND ALSO,
25 THE PERMIT IS TO ALLOW THE USE OF GREEN WASTE

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1 MATERIAL AS ALTERNATIVE DAILY COVER ON A PERMANENT
2 BASIS.

3 AT THE TIME THIS ITEM WAS PREPARED,
4 STAFF REVIEW OF THE PERMIT APPLICATION PACKAGE HAD
5 NOT BEEN COMPLETED IN THAT THE COMMITTEE ITEM DID
6 NOT INCLUDE STAFF RECOMMENDATION ON THE PROPOSED
7 PERMIT. BUT NOW I BELIEVE THAT ATTACHMENT 4, WHICH
8 IS THE RESOLUTION, HAS BEEN DISTRIBUTED TO THE
9 COMMITTEE MEMBERS.

10 SUBSEQUENT TO THE PREPARATION AND
11 SUBMITTAL OF THE AGENDA ITEM, ON OCTOBER 8, 1997,
12 STAFF OF THE BOARD'S ENFORCEMENT BRANCH CONDUCTED
13 AN INSPECTION OF THE LANDFILL AND OBSERVED
14 VIOLATIONS OF STATE MINIMUM STANDARDS.

15 SPECIFICALLY THE VIOLATION WAS THAT
16 OF INADEQUATE COVER AT THE EDGE OF THE WORKING FACE
17 WHERE THE GREEN WASTE MATERIAL, ALTERNATIVE DAILY
18 COVER, WAS NOT TO THE REQUIRED DEPTH AND WASTE WAS
19 VISIBLE. ON SATURDAY, OCTOBER 11, 1997, AND AGAIN
20 ON MONDAY, OCTOBER 14TH, THE LEA CONDUCTED
21 FOLLOW-UP INSPECTIONS AT THE SITE AND OBSERVED THAT
22 THE COVER VIOLATION WAS CORRECTED AND THAT THE
23 OPERATIONS OF THE LANDFILL WERE IN COMPLIANCE WITH

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24 THE STATE STANDARDS.

25 NOW THE LEA AND BOARD STAFF HAVE

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1 DETERMINED THAT ALL THE REQUIRED FINDINGS HAVE BEEN
2 MADE. ONE, THAT THE MIDVALLEY SANITARY LANDFILL IS
3 CONSISTENT WITH THE GENERAL PLAN OF THE CITY OF
4 RIALTO AND THAT THE OPERATIONS ARE COMPATIBLE WITH
5 THE SURROUNDING LAND USES; TWO, THAT THE LANDFILL
6 IS IDENTIFIED IN THE COUNTY SITING ELEMENT, WHICH
7 HAS BEEN APPROVED BY THE BOARD; THREE, THAT CEQA
8 HAS BEEN COMPLIED WITH.

9 STAFF REVIEWED THE PROPOSED PERMIT
10 AND SUPPORTING DOCUMENTATION AND HAVE FOUND THEM TO
11 BE ACCEPTABLE FOR CONSIDERATION BY THE BOARD.

12 IN CONCLUSION, STAFF RECOMMEND THAT
13 THE BOARD ADOPT SOLID WASTE FACILITY PERMIT
14 DECISION NO. 97-481, CONCURRING IN THE ISSUANCE OF
15 SOLID WASTE FACILITY PERMIT NO. 36-AA-0055. THIS
16 CONCLUDES STAFF PRESENTATION.

17 MEMBER RELIS: MR. CHAIR, NO PROBLEM AGAIN
18 WITH THE PERMIT. QUESTION I'D LIKE TO DIRECT TO
19 MR. SWEETSER, WHO'S HERE FROM NORCAL.

20 ON THE ADC ISSUE, I NOTE THAT THIS
21 PERMIT WILL GIVE YOU ONGOING APPROVAL TO USE ADC,
22 GREEN MATERIAL, AT A MINIMUM COMPACTED DEPTH OF 6
23 INCHES. AND I'D JUST LIKE TO GET AN IDEA ABOUT --

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24 I BELIEVE IN MY BRIEFING THE USE WAS GOING TO BE
25 SOMEWHERE BETWEEN 2 AND 300 TONS PER DAY WAS THE

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1 ESTIMATED USE. DOES THIS MEAN THAT THE -- THERE
2 ARE A NUMBER OF JURISDICTIONS THAT ARE NOW
3 COLLECTING CLEAN GREEN, AND THEN THEY'RE OBVIOUSLY
4 USING THIS AS PART OF THEIR DIVERSION PROGRAM.

5 WHAT'S YOUR ASSESSMENT AT THIS POINT
6 OF YOUR ABILITY TO USE GREEN AS ADC IN TERMS OF THE
7 AMOUNT AVAILABLE?

8 MR. SWEETSER: LARRY SWEETSER, DIRECTOR OF
9 REGULATORY AFFAIRS FOR NORCAL WASTE SYSTEMS. WE'RE
10 THE CONTRACT OPERATOR ON THE SITE.

11 WE'VE LIMITED OUR USE TO LESS THAN 50
12 PERCENT RATIO, SO WE'RE NOT CORNERING THE MARKET BY
13 ANY MEANS ON WHAT'S GOING ON THERE. I DON'T HAVE A
14 GOOD UNDERSTANDING OF ALL THE DIFFERENT COMPOST
15 ACTIVITIES OR GREEN WASTE COLLECTION GOING ON SINCE
16 WE ONLY OPERATE THE LANDFILLS. MOST OF OUR GREEN
17 WASTE COMING FROM ONE SUPPLIER, AND WE'RE USING AS
18 MUCH WE CAN. I'M SURE THEY WOULD LIKE US TO USE
19 MORE, BUT AT THIS POINT WE'RE LIMITING WHAT OUR
20 USAGE IS.

21 WE'VE -- RIGHT NOW OUR AVERAGE IS
22 LESS THAN 250 TONS PER DAY. AND SO WE DON'T EXPECT
23 THAT TO INCREASE OR DECREASE ANY SIGNIFICANT AMOUNT

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24 IN THE NEAR FUTURE.

25 MEMBER RELIS: AS YOU LOOK TOWARDS --

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1 SINCE YOU'RE IMPLEMENTING ARM FOR SO MUCH OF THAT
2 AREA, I'D LIKE TO OFFER OUR ASSISTANCE IN
3 IDENTIFYING OTHER OPPORTUNITIES FOR YOU VIS-A-VIS
4 THE DIVERSION SIDE AND THE GREEN WASTE. AND WE
5 FEEL THE MARKET HAS COME A LONG WAY. WE'RE NOT
6 WHERE WE WERE THREE, FOUR YEARS AGO. AND IF YOU
7 DON'T ALREADY HAVE IDENTIFIED, WHICH I'M SURE YOU
8 HAVE, WE CERTAINLY HAVE A DEEPER INFORMATION BANK
9 OF POSSIBILITIES FOR YOU TO CONSIDER.

10 MR. SWEETSER: I THINK WE WOULD APPRECIATE
11 THAT CONSIDERATION. I WILL GET BACK TO THE COUNTY
12 AND RELAY THAT. WE CAN ALSO OFFER TO PULL TOGETHER
13 THE PEOPLE THAT ARE INVOLVED IN THE COLLECTION OF
14 THE GREEN WASTE AND THE COMPOST AND FIND OUT
15 EXACTLY WHAT IS GOING ON WITH THE QUANTITIES AND
16 HOW MUCH MORE POTENTIAL IS OUT THERE AND WHAT THE
17 ROADBLOCKS ARE FOR DIVERSION.

18 MEMBER RELIS: BECAUSE WE HAVE ALSO OUR UC
19 RIVERSIDE GROUP THAT WE'RE UNDER CONTRACT WITH, WHO
20 ARE VERY ACTIVE WITH US IN THIS ISSUE OF
21 IDENTIFYING AND DEVELOPING MARKETS. AND SO I'D
22 LIKE TO TAKE YOU UP ON THAT.

23 MR. SWEETSER: WE WILL DEFINITELY DO THAT,

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24 AND I WILL GET THE CALL OUT TODAY.

25 MEMBER RELIS: THANK YOU.

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1 CHAIRMAN JONES: I'LL EITHER ENTERTAIN A
2 MOTION OR MAKE A MOTION TO ACCEPT PERMIT DECISION
3 NO. 97-481.

4 MEMBER RELIS: SECOND.

5 THE SECRETARY: BOARD MEMBER RELIS.

6 MEMBER RELIS: AYE.

7 THE SECRETARY: CHAIRMAN JONES.

8 CHAIRMAN JONES: AYE.

9 MR. RELIS, DO YOU MIND IF WE PUT THIS
10 ON CONSENT?

11 MEMBER RELIS: THAT WOULD BE FINE.

12 CHAIRMAN JONES: NEXT ITEM FOR THE SAME
13 COUNTY, CONSIDERATION OF A REVISED SOLID WASTE
14 FACILITY PERMIT FOR THE CALIFORNIA STREET SANITARY
15 LANDFILL IN SAN BERNARDINO COUNTY.

16 MR. GEBRE-HAWARIAT: THE OWNER AND
17 OPERATOR OF THE CALIFORNIA STREET SANITARY LANDFILL
18 IS THE CITY OF REDLANDS MUNICIPAL UTILITIES
19 DEPARTMENT. AND MR. GARY PHELPS IS THE DIRECTOR.

20 THE PROPOSED PERMIT IS TO ALLOW THE
21 FOLLOWING: AN INCREASE OF 20 FEET IN THE ELEVATION
22 OF THE WEST SIDE OF THE LANDFILL TO A PERMITTED
23 MAXIMUM OF 1238 FEET ABOVE MEAN SEA LEVEL. AND

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24 THIS WOULD ALLOW FOR AN INCREASE IN THE LANDFILL
25 DESIGN CAPACITY FROM 4 TO 4.5 TO 6 MILLION CUBIC

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1 YARDS. AND ON THE BASIS OF THE INCREASED CAPACITY,
2 THE PERMIT ALLOWS THE CHANGE IN THE ESTIMATED
3 CLOSURE PERIOD FOR THE LANDFILL FROM THE YEAR 2000
4 TO SEPTEMBER OF THE YEAR 2007.

5 THE PERMIT IS ALSO TO ALLOW THE USE
6 OF A GEOSYNTHETIC TOP MATERIAL AS ALTERNATIVE DAILY
7 COVER ON A PERMANENT BASIS.

8 AT THE TIME THE ITEM WAS PREPARED,
9 STAFF REVIEW OF THE PERMIT APPLICATION PACKAGE HAD
10 NOT BEEN COMPLETED IN THAT THE COMMITTEE ITEM
11 DIDN'T INCLUDE STAFF RECOMMENDATION ON THE PROPOSED
12 PERMIT. BUT I BELIEVE, AGAIN, THE ATTACHMENT 4 HAS
13 BEEN DISTRIBUTED.

14 THE LEA AND BOARD STAFF HAVE
15 DETERMINED THAT ALL THE REQUIRED FINDINGS HAVE BEEN
16 MADE. ONE, THAT THE CITY OF REDLANDS DEPARTMENT OF
17 COMMUNITY DEVELOPMENT DETERMINED THAT THE LANDFILL
18 AND THE PROPOSED EXPANSION ARE CONSISTENT WITH CITY
19 GENERAL PLAN AND ARE ALSO COMPATIBLE WITH THE
20 SURROUNDING LAND USE; TWO, THAT THE LANDFILL IS
21 IDENTIFIED IN THE COUNTY SITING ELEMENT, WHICH HAS
22 BEEN APPROVED BY THE BOARD; AND, THREE, THAT CEQA
23 HAS BEEN COMPLIED WITH; NO. 4, THE OPERATIONS OF

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24 THE LANDFILL ARE CONSISTENT WITH THE STATE MINIMUM
25 STANDARDS.

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1 STAFF HAVE REVIEWED THE PROPOSED
2 PERMIT AND SUPPORTING DOCUMENTATION AND HAVE FOUND
3 THEM TO BE ACCEPTABLE FOR CONSIDERATION BY THE
4 BOARD. AND IN CONCLUSION, STAFF RECOMMEND THAT THE
5 BOARD ADOPT SOLID WASTE FACILITY PERMIT DECISION
6 NO. 97-482, CONCURRING IN THE ISSUANCE OF SOLID
7 WASTE FACILITY PERMIT NO. 36-AA-0017.

8 THE OPERATOR, MS. VALERIE SHATYNSKI,
9 IS HERE TO ANSWER ANY QUESTIONS THAT THE COMMITTEE
10 MEMBERS MAY HAVE. AND THIS CONCLUDES MY REPORT.

11 CHAIRMAN JONES: I HAVE ONE. AND MAYBE
12 THE LEA CAN ANSWER IT. WE DON'T HAVE TO HAVE THE
13 OPERATOR.

14 THE 20-FOOT ELEVATION, IS THAT GOING
15 TO IMPACT THE SLOPE DESIGN OR ANYTHING AS PART OF
16 OUR CLOSURE-POSTCLOSURE DOCUMENTATION? ARE YOU
17 GOING TO FOLLOW THE SAME PERCENTAGES --

18 MR. SLOWIK: THE 20-FOOT ELEVATION
19 INCREASE IS ONLY ON THE WEST SIDE OF THE LANDFILL,
20 AND THOSE SLOPES WOULD REMAIN CONSISTENT UP TO THE
21 TOP.

22 CHAIRMAN JONES: YOU DIDN'T HAVE TO
23 REDESIGN.

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24 MR. SLOWIK: NO.

25 CHAIRMAN JONES: I JUST DIDN'T KNOW WHAT

25

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1 THE IMPACT OF THAT 20 FEET WOULD DO TO YOUR CLOSURE
2 PLAN.

3 MEMBER RELIS: MR. CHAIR, I'LL MOVE PERMIT
4 DECISION 97-482.

5 CHAIRMAN JONES: I WILL SECOND.

6 THE SECRETARY: BOARD MEMBER RELIS.

7 MEMBER RELIS: AYE.

8 THE SECRETARY: CHAIRMAN JONES.

9 CHAIRMAN JONES: AYE.

10 MR. RELIS, IS IT OKAY IF WE PUT THIS
11 ON CONSENT?

12 MEMBER RELIS: SURE.

13 CHAIRMAN JONES: THIS WILL GO ON CONSENT.

14 SEVEN BEING PULLED.

15 TODD, ARE WE OKAY TO GO ON? ALL
16 RIGHT. OUR AGENDA ITEM NO. 8 IS CONSIDERATION OF A
17 NEW SITE FOR THE SOLID WASTE DISPOSAL AND
18 CODISPOSAL SITE CLEANUP PROGRAM UNDER AB 2136.

19 MS. RICE: THANK YOU. TODD THALHEIMER
20 WILL MAKE THE PRESENTATION FOR STAFF.

21 MR. THALHEIMER: MORNING, CHAIRMAN,
22 MEMBERS OF THE COMMITTEE. ON SEPTEMBER 2D HUMBOLDT
23 COUNTY HEALTH OFFICER DECLARED A PUBLIC EMERGENCY

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24 ON THE SOUTH SPIT ALONG HUMBOLDT BAY DUE TO SEVERAL
25 CONFIRMED CASES OF SHIGELLA. HUMBOLDT COUNTY LEA

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1 REQUESTED BOARD STAFF TO CONDUCT A SITE VISIT ON
2 SEPTEMBER 10TH TO DETERMINE IF THE SITE COULD
3 QUALIFY FOR CLEANUP UNDER THE 2136 PROGRAM. THE
4 PROPOSED FUNDING WOULD BE AN LEA GRANT.

5 I'VE REVIEWED THE PACKAGE AND
6 RECOMMEND APPROVING AN LEA GRANT FOR \$170,000. MR.
7 DENNIS KALSON, DIRECTOR OF ENVIRONMENTAL HEALTH,
8 AND KEVIN METCALF, HUMBOLDT COUNTY LEA, AND A
9 REPRESENTATIVE FROM SENATOR THOMPSON'S OFFICE ARE
10 HERE TO SPEAK AND ANSWER ANY QUESTIONS YOU MAY HAVE
11 ON THIS PACKAGE.

12 I HAVE ABOUT A 30-SECOND CLIP. JUST
13 GIVE ME A MINUTE TO TURN IT ON TO GIVE YOU JUST A
14 QUICK OVERVIEW OF THE SITE.

15 (VIDEO WAS THEN PLAYED.)

16 MR. THALHEIMER: I BELIEVE KEVIN METCALF
17 TOOK THIS VIDEO FROM A SHERIFF'S HELICOPTER JUST TO
18 KIND OF GIVE YOU AN OVERVIEW OF SOME OF THE
19 ENCAMPMENTS THAT ARE OUT THERE. UNFORTUNATELY I
20 HAVE NO IDEA WHERE THE TAPE IS NOW.

21 THE PROCESS FROM WHERE THEY CAMP,
22 THEY WOULD DISPOSE OF THEIR TRASH AND REFUSE IN ONE
23 AREA AND MOVE TO THE NEXT. AT THIS PARTICULAR

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24 TIME, I THINK THERE WAS, WHAT, 200 PEOPLE OR 2 TO
25 300 PEOPLE ON THE SOUTH SPIT WHEN THEY FIRST

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1 STARTED.

2 THAT CONCLUDES MY PRESENTATION. I
3 BELIEVE MR. DENNIS KALSON WOULD LIKE TO SPEAK ON
4 BEHALF OF THE PROJECT.

5 MR. KALSON: THANK YOU. I'M DENNIS
6 KALSON, DIRECTOR OF ENVIRONMENTAL HEALTH WITH
7 HUMBOLDT COUNTY, REPRESENTING BOTH THE COUNTY AND
8 THE LEA THIS MORNING.

9 I, FIRST OF ALL, WOULD LIKE TO
10 COMMEND THE BOARD AND THE BOARD STAFF, PARTICULARLY
11 MARGE ROUCH AND TODD THALHEIMER, FOR THEIR
12 TREMENDOUS SUPPORT AND EXCELLENT WORK IN HELPING US
13 PUT TOGETHER A PIECE OF A SOLUTION OF A VERY
14 COMPLEX PROBLEM ON THE SOUTH SPIT OF HUMBOLDT BAY.

15 AS YOU GOT JUST A GLIMPSE OF IN THIS
16 LITTLE CLIP THAT TODD PLAYED, THE SPIT IS A FOUR-
17 AND-A-HALF-MILE LONG STRETCH OF SAND, ESSENTIALLY
18 UNMANAGED LAND, TWO OR THREE PROPERTY OWNERS. AND
19 BECAUSE IT'S UNMANAGED HAS BEEN CONVERTED OVER THE
20 PAST TEN YEARS FROM WHAT WAS QUITE A SCENIC,
21 PRISTINE TOURIST AREA OF HUMBOLDT COUNTY INTO A
22 SHANTY TOWN WITH A POPULATION THAT LIVED THERE OVER
23 THE LAST TEN YEARS THAT VARIED BETWEEN A HUNDRED

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24 AND 300 PEOPLE AT ANY TIME.

25 THERE'S ABSOLUTELY NO SEWAGE

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1 DISPOSAL, NO RUNNING WATER, NO UTILITIES, SERVICES,
2 OR ANY OTHER FACILITIES SERVING THIS POPULATION,
3 LET ALONE SOLID WASTE MANAGEMENT. SO TEN YEARS OF
4 CONCENTRATED LIVING OF A REAL VERY POOR ISOLATED
5 SEGMENT OF OUR POPULATION HAS GENERATED TEN YEARS
6 WORTH OF LIVING DEBRIS, TRAILERS, SHANTIES, TENTS,
7 CAMPERS THAT HAVE BEEN OCCUPIED AND VACATED AND
8 ABANDONED, LITTER THE WHOLE STRETCH.

9 WE'RE HERE THIS MORNING AND WE'VE
10 BEEN PUTTING TOGETHER A PROPOSAL FOR YOUR
11 CONSIDERATION TO ASK FOR ASSISTANCE IN SOLVING THAT
12 PORTION OF THIS PROBLEM THAT WE COULD, I THINK, IN
13 NO OTHER WAY SOLVE BECAUSE OF CONFUSION OVER LAND
14 OWNERSHIP. AND BECAUSE A COUPLE OF PUBLIC ENTITIES
15 OWN SOME OF THE LAND ON THE SPIT, IT'S REALLY HARD
16 FOR US TO SOLVE THE CLEANUP PROBLEM IN ANY OTHER
17 WAY OTHER THAN ASKING FOR ASSISTANCE FROM YOUR
18 BOARD.

19 I SHOULD TELL YOU THAT OUR HEALTH
20 OFFICER HAS TAKEN A BOLD AND DRAMATIC STEP BY
21 ORDERING RELOCATION OR EVACUATION OF THE SPIT,
22 WHICH MEANS UPSETTING THE LIVES OF THE 2 TO 300
23 PEOPLE WHO LIVE THERE. BUT ACTUALLY AT THE SAME

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24 TIME, WE'RE OFFERING -- THE COUNTY IS OFFERING

25 HOUSING ASSISTANCE SERVICES. WE'VE PUT TIRES ON

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1 VEHICLES, WE'VE PAID INSURANCE SO THAT PEOPLE CAN
2 REGISTER THEIR VEHICLES, WE HAVE RELOCATED A
3 HUNDRED TWENTY DOGS SO FAR THAT HAVE BEEN RUNNING
4 LOOSE ON THE SPIT.

5 THIS IS NO -- BY NO WAY -- BY NO
6 MEANS A FORM OF UNHUMANE TREATMENT OF THIS
7 POPULATION. AS THE ENVIRONMENTAL HEALTH DIRECTOR,
8 I'M LEFT WITH THE PROBLEM OF CLEANUP. AND AGAIN,
9 THAT'S WHY I'M HERE THIS MORNING.

10 I'D BE HAPPY TO ANSWER ANY QUESTIONS
11 ON WHERE WE'RE AT IN TERMS OF THAT RELOCATION
12 EFFORT. RIGHT NOW WE'RE RESTRAINED BY A
13 RESTRAINING ORDER FROM THE JUDGE. WE THINK THAT
14 WILL BE LIFTED TODAY BY THE SUPERIOR COURT. AND WE
15 INTEND TO ENFORCE THE EVACUATION DEADLINE WITHIN 48
16 HOURS. SO VERY SOON, AS EARLY AS NEXT WEEK, WE
17 SHOULD HAVE MOST ALL OF THE POPULATION, EXCEPT FOR
18 ONE OR TWO VERY RECALCITRANT PEOPLE, OFF OF THE
19 SPIT AND WILL BE PRIMING THE AREA THEN FOR SETTING
20 THE STAGE FOR THE CLEANUP OPERATION WHICH IS NEXT.

21 THE WHOLE EFFORT WILL PREPARE THIS
22 LAND FOR SANE, INTELLIGENT MANAGEMENT IN THE
23 FUTURE. AND WE'RE ALSO WORKING ON PLANS. WE'VE

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24 INSTALLED A GATE TO CONTROL ACCESS, AND WORKING ON
25 A DETAILED PLAN IN CONCERT WITH THE CALIFORNIA

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1 COASTAL CONSERVANCY AND A COUPLE OF OTHER STATE
2 ORGANIZATIONS TO MANAGE THE LAND AND PREVENT THIS
3 SORT OF THING FROM HAPPENING AGAIN IN OUR COUNTY.
4 SO IF THERE ARE ANY QUESTIONS, I'D BE HAPPY TO
5 RESPOND.

6 CHAIRMAN JONES: I DON'T HAVE ANY
7 QUESTIONS. I WANT TO COMMEND YOUR COURAGE. HAVING
8 BEEN AN OPERATOR OR AN OVERSEER OF CITY GARBAGE IN
9 EUREKA IN A PAST LIFE, I HAD ABOUT 30 OF THOSE
10 PEOPLE ACROSS THE STREET FROM OUR FACILITY ABOUT
11 TEN YEARS AGO. SO I'M SURE SOME OF THEM, WHEN WE
12 GOT THEM OFF OF THAT PROPERTY, PROBABLY ENDED UP ON
13 THIS PROPERTY, AND IT WAS A DISASTER WAITING TO
14 HAPPEN. AND I COMMEND YOUR COURAGE. I KNOW IT'S A
15 TOUGH ONE TO DO.

16 MR. KALSON: I THINK I REMEMBER THAT
17 SITUATION.

18 CHAIRMAN JONES: GOT KIND OF UGLY. I TOLD
19 MY MANAGER TO CLEAN IT UP, AND HE TOOK A BULLDOZER
20 OUT THERE.

21 MR. KALSON: IT IS CONTROVERSIAL. OF
22 COURSE, WE DO WANT -- WE ARE CONCERNED ABOUT
23 GETTING PEOPLE INTO SAFE, SANITARY HOUSING. THAT'S

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24 OUR GOAL.

25 MEMBER RELIS: MR. CHAIR, JUST SOUNDS LIKE

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1 THE TYPE OF USE THESE FUNDS WERE SET ASIDE FOR, AND
2 IT SOUNDS LIKE YOU'VE TAKEN ALL THE MEASURES YOU
3 CAN TO DO THIS IN, AS YOU PUT IT, HUMAN A WAY AS
4 POSSIBLE BY CREATING A SAFE ALTERNATIVE FOR PEOPLE
5 TO BE IN, BUT CLEARLY THIS IS A MAJOR HEALTH
6 PROBLEM. IT HAS TO BE ADDRESSED, AND THAT'S ONE OF
7 OUR PRIMARY RESPONSIBILITIES, SO FULLY SUPPORTIVE
8 OF IT.

9 CHAIRMAN JONES: ABSOLUTELY.

10 MR. KALSON: I CAN SPEAK ON BEHALF OF OUR
11 ENTIRE COUNTY, AT LEAST THOSE WHO AREN'T OPPOSED TO
12 THIS ACTION, THAT WE REALLY DO APPRECIATE THIS TYPE
13 OF SUPPORT AND AGREE WITH YOUR FEELINGS, THAT IT'S
14 A GREAT USE OF THESE CLEANUP FUNDS. ALSO THANKS
15 AGAIN TO MARGE AND TODD. THIS IS PROBABLY THE
16 FASTEST PIECE OF -- THE FASTEST APPLICATION, I
17 THINK, THAT WE'VE BEEN ABLE TO PROCESS THROUGH THIS
18 BOARD.

19 CHAIRMAN JONES: ALL RIGHT. THANK YOU
20 VERY MUCH. WE'VE GOT MS. RUTH COLEMAN. I DON'T
21 KNOW IF SHE WANTS TO SPEAK. I'D LIKE TO INVITE HER
22 TO SPEAK FROM SENATOR THOMPSON'S OFFICE.

23 MS. COLEMAN: HI. I'M RUTH COLEMAN

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24 REPRESENTING SENATOR THOMPSON. THIS ACQUISITION OF
25 THE SOUTH SPIT IS A VERY HIGH PRIORITY OF SENATOR

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1 THOMPSON. HE AUTHORED A BILL A YEAR AGO THAT
2 APPROPRIATED A HUNDRED THOUSAND DOLLARS TO THE
3 COASTAL CONSERVANCY TO DO A MANAGEMENT PLAN. AND
4 THE BILL ALSO SPECIFIED LEGISLATIVE INTENT TO
5 PURCHASE THIS PROPERTY ONCE THE PROPERTY HAS BEEN
6 CLEANED.

7 SO WHAT WE'RE TALKING ABOUT HERE
8 TODAY IS REALLY SORT OF A STEP TOWARDS THAT
9 LONG-TERM GOAL, AND THIS IS ONE OF THOMPSON'S
10 HIGHEST PRIORITIES FOR HIS DISTRICT. AND SO WE
11 REALLY APPRECIATE WHAT YOU GUYS ARE DOING. THANK
12 YOU.

13 CHAIRMAN JONES: THANK YOU. ANYBODY?
14 OKAY.

15 MEMBER RELIS: MR. CHAIR, I'LL BE HAPPY TO
16 MOVE APPROVAL OF THE SOLID WASTE DISPOSAL AND
17 CODISPOSAL SITE CLEANUP OF THE SOUTH SPIT ILLEGAL
18 DISPOSAL SITE, HUMBOLDT COUNTY.

19 CHAIRMAN JONES: AND I SECOND THAT.

20 THE SECRETARY: BOARD MEMBER RELIS.

21 MEMBER RELIS: AYE.

22 THE SECRETARY: CHAIRMAN JONES.

23 CHAIRMAN JONES: AYE.

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24 MR. RELIS, CAN WE PUT THIS ON THE
25 CONSENT CALENDAR, SAVE THE FOLKS A TRIP. ALL

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1 RIGHT. THANKS. GOOD JOB, YOU GUYS.

2 OKAY. ITEM AGENDA ITEM NO. 9, A
3 DISCUSSION OF DRAFT REGULATIONS TO ESTABLISH FILING
4 DATES FOR BOARD ACTION ON PROPOSED SOLID WASTE
5 FACILITIES PERMITS.

6 MS. RICE: THANK YOU, MR. CHAIRMAN. DON
7 DIER WILL MAKE A BRIEF PRESENTATION TO OPEN YOUR
8 DISCUSSION OF THIS ITEM.

9 MR. DIER: VERY BRIEF. GOOD MORNING.
10 THIS IS AN INFORMATION ITEM THE COMMITTEE HAD ASKED
11 TO BE BROUGHT BEFORE YOU RESULTING FROM THE
12 DISCUSSIONS ON TITLE 27 OVER THE LAST COUPLE OF
13 MONTHS. THERE WAS SOME CONCERN EXPRESSED BY THE
14 COMMITTEE AND THE BOARD ABOUT FINDING WAYS TO
15 PROVIDE EITHER A LITTLE MORE TIME FOR STAFF IN
16 REVIEWING PERMIT PACKAGES OR PERHAPS FINDING BETTER
17 WAYS TO GET MORE COMPLETE PACKAGES TO COME BEFORE
18 THE COMMITTEE AND THE BOARD WHEN THEY ARE
19 SUBMITTED.

20 WHAT I'VE DONE IN THIS ITEM IS
21 PRESENTED A LOT OF HISTORICAL INFORMATION. IN
22 FACT, THE BULK OF THE ITEM IS REPLICATED FROM A
23 DECEMBER 1996 ITEM IN WHICH WE HAD PRESENTED ACTUAL

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24 DRAFT REGULATIONS WHICH WOULD HAVE ESTABLISHED A
25 FILING DATE FOR PROPOSED PERMITS WHERE THE BOARD

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1 COULD DETERMINE WHEN THE 60-DAY CLOCK ACTUALLY
2 STARTED.

3 FROM THAT POINT IN DECEMBER OF '96,
4 WE WERE DIRECTED TO TAKE THE MATTER TO THE
5 DIRECTORS OF ENVIRONMENTAL HEALTH, WHICH WE DID IN
6 EARLY 1997, AND MET WITH A LITTLE RESISTANCE WITH
7 THE PROPOSAL FOR THE REGULATIONS, BUT WHAT WE DID
8 WAS WE CAME OUT WITH AN AGREEMENT TO INFORMALLY
9 NOTIFY AND LET THE LEA'S THROUGHOUT THE STATE KNOW
10 OF WHAT THE BOARD'S CALENDAR AND TIME LINES ARE FOR
11 THE 60-DAY CLOCK IN ORDER TO GET WHAT THE PROCESSES
12 ARE TO GET PERMITS BEFORE THE COMMITTEE AND BOARD.

13 SO WE DID THAT IN APRIL OF '97, AND
14 THAT WAS FAIRLY WELL RECEIVED BY THE LEA'S. SORT
15 OF THE REACTION AND EXPERIENCE WITH THAT OVER THE
16 LAST SIX OR SEVEN MONTHS HAS BEEN MIXED. SEVERAL
17 PERMIT PACKAGES HAVE BEEN SUBMITTED IN A MANNER
18 COGNIZANT OF THE TIME FRAMES SO THAT WE ARE GIVEN A
19 SUFFICIENT AMOUNT OF TIME TO PREPARE PACKAGES AND
20 RECOMMENDATIONS. SOMETIMES THEY STILL COME IN KIND
21 OF SHORT AND KIND OF JAM STAFF IN GETTING THE ITEMS
22 TO YOU.

23 SO THAT IS A LITTLE BIT OF THE

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24 BACKGROUND OF WHERE THIS IS AT. WE HAD NOT PURSUED
25 THE REGULATIONS BECAUSE OF THE APPROACH OF

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1 INFORMALLY WORKING WITH THE LEA'S. IN FACT, WE HAD
2 PLANNED ON DOING THE SAME THING ONCE THE BOARD
3 ADOPTS THEIR 1998 CALENDAR. WE WOULD PREPARE A
4 SIMILAR LETTER TO THE LEA'S LETTING THEM KNOW WHAT
5 THAT CALENDAR IS AND WHAT THE LEAD-TIMES ARE FOR
6 BOTH THE BOARD MEETINGS AND THE COMMITTEE MEETINGS.

7 WE HAVE PROVIDED -- THIS IS AN
8 INFORMATION ITEM. WE REALLY ARE OPEN TO DISCUSS
9 OPTIONS AS TO WHERE THE BOARD AND COMMITTEE MIGHT
10 LIKE TO GO WITH THIS. WE'VE OFFERED ON PAGE 81
11 SEVERAL OPTIONS RANGING FROM PERHAPS STATUTORY
12 CHANGES TO ADDRESS, YOU KNOW, COMPLETE PERMIT
13 PACKAGES TO PERHAPS A REGULATORY CHANGE. ANOTHER
14 OPTION WOULD BE TO REVISIT THE REGULATIONS WITH
15 REGARD TO THE STANDARDIZED PERMIT WHERE THE BOARD
16 PROVIDED FOR A 30-DAY PERIOD FOR CONCURRENCE AND
17 MAYBE RECONSIDER THAT IN LIGHT OF THE CRUNCHES THAT
18 ARE CREATED BY THAT, AND MAYBE THINK ABOUT MAKING
19 IT 60, THE SAME AS THE FULL PERMIT.

20 ANOTHER OPTION WOULD BE TO CONSIDER
21 DELEGATING APPROVAL OF STANDARDIZED PERMITS TO THE
22 DEPUTY DIRECTOR. THAT'S NOT BEEN SOMETHING THAT
23 THE COMMITTEE HAS EMBRACED IN THE PAST, BUT WE

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24 THOUGHT, IN THE SPIRIT OF PUTTING OUT ALL THE
25 OPTIONS WE CAN THINK OF, WE LISTED THEM OUT HERE.

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1 WHO KNOWS. IT'S UP TO YOU WHERE YOU WANT TO TAKE
2 THIS.

3 REALLY, ANOTHER IDEA, WHICH WE HAVE
4 BEEN PRESENTING SEVERAL TIMES, IS THE IDEA OF
5 INCREASING OUR ASSISTANCE AND TRAINING TO LEA'S,
6 AND THAT TIES IN WITH OUR INTENT WITH THE APRIL
7 LETTER WAS TO TRY AND LET THEM KNOW WHAT OUR
8 CONSTRAINTS ARE INTERNALLY. AND WE WILL CONTINUE
9 TO DO THAT, TO WORK WITH LEA'S SO THAT THEIR
10 SUBMITTALS OF PACKAGES DON'T CAUSE US COMING UP
11 SHORT IN GIVING A RECOMMENDATION TO THE COMMITTEE.

12 DOROTHY, DO YOU WANT TO ADD ANYTHING
13 AT THIS POINT? THAT'S -- IT'S AN INFORMATION ITEM.
14 I BELIEVE IN AUGUST YOU HAD ASKED WE BRING THIS
15 BACK, SO WE'RE OPEN TO DISCUSS WHERE YOU WANT TO GO
16 WITH THIS ISSUE.

17 MEMBER RELIS: MR. CHAIR, FIRST I WANT TO
18 THANK STAFF FOR DOING THIS WORK. WE'VE BEEN
19 STRUGGLING OVER MANY YEARS WITH THIS, THE
20 TIMELINESS ISSUE ON PERMITS.

21 MY THOUGHTS ARE THAT IF IT WERE
22 POSSIBLE, I WOULD PREFER A COMPLETENESS REVIEW AND
23 START THE CLOCK AT THAT POINT. I THINK THERE ARE

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24 PEOPLE WHO, NO DOUBT, DISAGREE WITH THAT, BUT I
25 THINK THAT'S A CLEANER, MORE RATIONAL PROCESS. I

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1 BELIEVE IT WILL HAVE A BETTER OUTCOME; BUT IF
2 THAT'S NOT A WAY THE BOARD WISHES TO GO AT THIS
3 POINT, I THINK WE'LL BE IN A PERIOD OF
4 EXPERIMENTATION IN THIS TRANSITION TO MORE LEA
5 ACCOUNTABILITY BECAUSE THE FLIP SIDE OF THIS, AND
6 HAD A GOOD DISCUSSION WITH MS. RICE YESTERDAY ON
7 THIS POINT, IS THAT THE BOARD WILL BE LESS
8 AVAILABLE, AS I SEE IT, AS WE TRANSFER OUR -- NOT
9 TRANSFER. THAT'S NOT THE WORD I WANTED TO USE --
10 ADJUST OUR RELATIONSHIP WITH THE LEA COMMUNITY,
11 THAT IF PERMITS ARE SUBMITTED AND THEY ARE
12 INCOMPLETE, HISTORICALLY WHAT WE'VE DONE, AS I
13 UNDERSTAND IT, IS WORKED VERY HARD TO MAKE SURE
14 THAT WHEN IT FINALLY REACHES THE BOARD, ALL THE
15 ISSUES HAVE BEEN DEALT WITH. AND SOMETIMES THAT'S
16 GONE DOWN TO THE WIRE WITH I WOULD SAY VERY
17 SIGNIFICANT TIME ALLOCATIONS FROM OUR STAFF.
18 WE'RE TRYING TO IMPROVE OUR ABILITY
19 TO FUNCTION UNDER TIGHTER BUDGETS, AND I DON'T
20 BELIEVE THAT STAFF WILL BE AS AVAILABLE,
21 PERSONALLY, MY SENSE IS, NOR SHOULD THEY BE REALLY
22 IF THIS SYSTEM IS GOING TO BE WHAT WE ARE
23 ANTICIPATING IT TO BE.

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24 IN THAT CASE, AS I THINK YOU HAVE
25 SAID ON SEVERAL OCCASIONS, MR. JONES, WE MAY BE

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1 FACED WITH NONCONCURRENCE BECAUSE OF LACK OF
2 COMPLETENESS. AND SO I SEE THIS AS JUST A BETTER
3 WAY TO GO. BUT I DON'T KNOW WHAT THE WILL OR
4 PLEASURE OF THE BOARD WOULD BE AS A WHOLE. I THINK
5 IT WOULD HAVE A BETTER OUTCOME, BUT I'LL STOP
6 THERE. I THINK IT'S AN IMPORTANT DISCUSSION.

7 CHAIRMAN JONES: RIGHT. I'M GOING TO JUST
8 BUILD OFF WHAT YOU SAID BECAUSE I AGREE. I THINK
9 THE KEY TO THIS THING, AND IT'S PART OF THE
10 STATUTE, AS I READ IT, IS THAT WE ACCEPT A COMPLETE
11 PACKAGE. SO I THINK THAT WHAT A METHOD MAY BE IS
12 TO, YOU HAVE A CHECKLIST THAT GOES OUT AS PART OF
13 THE RDSI BOOKLET THAT LET'S PEOPLE KNOW WHAT HAS TO
14 BE IN THAT PACKAGE. AND I THINK THAT WHAT WE NEED
15 TO DO IS HAVE THAT SAME CHECKLIST, AND WHEN AN
16 ENVELOPE GETS OPENED WITH A PERMIT, THAT WE GO
17 THROUGH THAT CHECKLIST AND VERIFY THAT ALL OF THOSE
18 ITEMS ARE THERE. IF SOMETHING IS MISSING, CALL THE
19 LEA AND SAY, LOOK, WE'RE MISSING THIS PIECE OF YOUR
20 PACKAGE; THEREFORE, YOUR PACKAGE ISN'T COMPLETE.

21 AND BECAUSE, YOU KNOW, I DON'T HAVE A
22 PROBLEM WITH NOT CONCURRING IN A PERMIT. I HAVE A
23 PROBLEM WITH NOT CONCURRING IN A PERMIT BECAUSE

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24 SOMEBODY LEFT ONE PIECE OF PAPER OUT OF A PACKAGE.

25 AND I DON'T REALLY -- EVEN IF THEY'VE DONE IT AND

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1 THEY JUST BLEW IT AND DIDN'T INCLUDE IT, I HATE TO
2 HAVE TO NOT CONCUR BECAUSE A PIECE OF PAPER WASN'T
3 THERE. BUT BY THE SAME TOKEN, I HATE GETTING
4 BRIEFED TWO DAYS BEFORE PERMITTING COMMITTEE AND
5 HAVING FIVE ITEMS STILL UNANSWERED.

6 AND I KNOW AS AN OPERATOR MY LEA'S
7 NEVER TOOK THE PACKAGES AS COMPLETE UNTIL ALL OF
8 THOSE ITEMS WERE DONE. AND I DON'T WANT TO
9 UNNECESSARILY PROLONG THE PROCESS, BUT I THINK THAT
10 THAT -- AND I NEED HELP FROM EITHER LEGAL STAFF OR
11 FROM THE COMMITTEE. I THINK IT SAYS A COMPLETE
12 PACKAGE, AND THE LEA'S ARE GOING TO CERTIFY THAT
13 THE PACKAGE THAT THEY ARE SUBMITTING IS NOT ONLY
14 COMPLETE, BUT IT IS ACCURATE. AND I THINK, BASED
15 ON THAT STATEMENT, THAT IF WE ACCEPT THAT AND WE
16 GET THROUGH THE PACKAGE AND WE FIND OUT, IN FACT,
17 THAT SOMETHING ISN'T ACCURATE OR DOESN'T REFLECT
18 THINGS, THEN THAT, UNFORTUNATELY, IS GOING TO BE
19 CAUSE NOT TO CONCUR.

20 SO I THINK THAT A CHECKLIST, AND I
21 WOULD TAKE IT ONE STEP FURTHER MAYBE, IS I WOULD
22 ASK STAFF, IF IT'S OKAY WITH MR. RELIS, YOU SENT
23 LETTERS OUT IN APRIL OR MAY?

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24 MR. DIER: APRIL.

25 CHAIRMAN JONES: CAN WE GET SOME KIND OF

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1 A -- SINCE THOSE LETTERS WENT OUT, AND MAYBE APRIL
2 WOULDN'T BE THE RIGHT MONTH TO START, MAYBE GIVE
3 THEM A LITTLE BIT OF TIME BECAUSE THERE WERE SOME
4 THINGS IN THE HOPPER, TAKE A LOOK AT WHAT PERMITS
5 CAME IN, THE DATE WE RECEIVED THEM, AND WHAT THE
6 DATE OF THE COMMITTEE MEETING WAS. IF THAT'S
7 NOT -- IF THAT'S TOO BURDENSOME, I DON'T KNOW HOW
8 YOUR RECORDKEEPING GOES, BUT I DON'T THINK WE'VE
9 SEEN THAT MANY PERMITS IN THE LAST THREE OR FOUR
10 MONTHS, THAT WE SHOULD BE ABLE TO GO BACK AND LOOK
11 AT THE TIME STAMPS AND --

12 MR. DIER: GETTING THE INFORMATION IS NOT
13 DIFFICULT. IN FACT, FOR PREPARATION FOR THIS
14 DISCUSSION, I HAD POLLED STAFF JUST ON THEIR
15 EXPERIENCES SINCE THAT LETTER WENT OUT. I DIDN'T
16 ASK FOR SPECIFIC DATES, BUT I ASKED FOR THEIR
17 GENERAL EXPERIENCES, WHETHER OR NOT THE LEA'S --
18 THEIR LEA'S WERE WILLING TO WORK WITH THEM ON THE
19 TIMING OF SUBMITTALS OR IF THE SUBMITTALS WERE
20 PRETTY MUCH MADE WITHOUT REGARD FOR OUR TIME
21 FRAMES. AND THE REACTIONS ARE MIXED.

22 YOU KNOW, THERE ARE CASES THAT ARE --
23 THERE WAS COOPERATION, AND THERE -- WE HAVE SEVERAL

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24 EXAMPLES WHERE THERE WAS NO REGARD FOR OUR TIME
25 FRAMES.

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1 CHAIRMAN JONES: WOULD IT BE EASY OR EASY
2 ENOUGH TO PUT THAT TOGETHER FOR THE BOARD MEETING
3 SO THAT WHEN WE LOOK AT THIS ITEM -- OR I GUESS
4 WE'RE NOT -- ARE WE GOING TO LOOK AT THIS ITEM OR
5 IT'S JUST DISCUSSION?

6 MS. RICE: THIS IS NOT ON THE BOARD
7 AGENDA.

8 CHAIRMAN JONES: OKAY. WELL, MAYBE FOR
9 THE NEXT PERMITTING COMMITTEE, IF WE JUST GOT AN
10 IDEA, YOU KNOW, AS TO WHAT THE PERMITS WERE, WHAT
11 THE FILING DATES WERE, AND WHEN THE COMMITTEE
12 MEETING WAS SO THAT --

13 MR. DIER: WITHOUT IDENTIFYING WHO THE
14 FACILITY WAS.

15 CHAIRMAN JONES: YOU DON'T HAVE TO
16 IDENTIFY WHO THE FACILITY IS. IT'S JUST TO GET AN
17 IDEA OF HOW JAMMED WE ARE. AND I THINK IT WOULD
18 GIVE US A CONTEXT TO LOOK AT IT THAT MIGHT BE MORE
19 RELEVANT, YOU KNOW. AND BUT -- I DON'T KNOW.

20 CAN WE LEGALLY ON THE OTHER ISSUE,
21 WHEN I TALKED ABOUT IF AN LEA CERTIFIES THAT A
22 PACKAGE IS COMPLETE AND ACCURATE WHEN IT IS SENT TO
23 US, AS I UNDERSTAND IT, THAT IS, IN FACT, THE

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24 PARAMETERS OF THEM SENDING US A PERMIT, CORRECT?

25 MS. RICE: THAT'S NOW IN REGULATION.

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1 CHAIRMAN JONES: CAN WE AS AN
2 ADMINISTRATIVE REQUIREMENT SEND THEM A CHECKLIST
3 AND US HAVE A CHECKLIST AND GO THROUGH THAT
4 CHECKLIST WHEN WE GET THE PACKAGE IN TO MAKE SURE
5 THAT ALL THE PIECES, IN FACT, ARE THERE?

6 MS. RICE: OUR UNDERSTANDING IS NO IN
7 TERMS OF NOT ACCEPTING THE PERMIT. WE GO THROUGH
8 IT, CLEARLY, IN ORDER TO PREPARE THE ITEM FOR YOUR
9 CONSIDERATION, AND WE GIVE OUR ANALYSIS OF WHAT WE
10 FEEL IS THE STATUS OF THE VARIOUS REQUIRED
11 COMPONENTS, BUT WE HAVE NOT FELT WE HAD THE
12 AUTHORITY TO SEND IT BACK AND SAY THESE ELEMENTS
13 ARE MISSING. WE WON'T START OUR PROCESSING OF IT
14 WHICH IS WHY WE HAVE USED THIS ITERATIVE PROCESS OF
15 WORKING COOPERATIVELY WITH THE OPERATOR AND LEA TO
16 TRY TO GET THE PERMIT IN SHAPE FOR THE EARLIEST
17 POSSIBLE HEARING OR TO WAIVE TIME FRAMES IF
18 NECESSARY.

19 THAT IS IN A SENSE THE REASON WHY
20 SEVERAL OF THE OPTIONS ARE PRESENTED TO YOU TODAY
21 BECAUSE THAT WAS OUR UNDERSTANDING, THAT WE NEEDED
22 TO EITHER DO THAT IN REGULATION OR STATUTE, PROVIDE
23 US SOME ABILITY TO EITHER SET FILING DATES SO THAT

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24 WE COULD HAVE MORE PREDICTABILITY OR TO GIVE US A
25 COMPLETENESS REVIEW, WHICH CURRENTLY WE HAD NOT, AT

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1 LEAST PREVIOUSLY, FELT WE WERE GIVEN THE LATITUDE
2 TO DO IN REGULATION AND STATUTE.

3 CHAIRMAN JONES: I HAVE A QUESTION. I'M
4 STILL NEW TO THIS GAME. DOESN'T THE WORD
5 "COMPLETE" MEAN THAT EVERYTHING IS THERE?

6 MR. DIER: ALL THE PIECES ARE THERE.

7 CHAIRMAN JONES: THAT THEY'RE DONE RIGHT.
8 AND THAT'S FINE. I DON'T WANT TO -- I THINK
9 THERE'S TWO SEPARATE ISSUES HERE. I THINK ONE
10 ISSUE IS HAVE YOU SENT ALL THE PIECES IN? AND
11 UNDER THE COMPLETENESS PART OF THE REGULATIONS, IT
12 WOULD SEEM TO ME THAT WE HAVE THE ABILITY TO GO
13 THROUGH A CHECKLIST AND MAKE SURE. I'M NOT TALKING
14 ABOUT THE ACCURACY BECAUSE I THINK THAT WHAT I'M
15 TRYING TO AVOID IS IF THE PIECES CAME IN AND ALL
16 THE PIECES WERE THERE, OKAY, THEN IT BECOMES AN
17 ISSUE OF HOW ACCURATE ARE THEY? AND THAT IS MORE
18 THE BASIS OF DO WE CONCUR OR DO WE NOT CONCUR.

19 THIS IS STRICTLY MINISTERIAL, THAT
20 ARE ALL THE PIECES THERE THAT WE CAN EVEN LOOK AT
21 THEM? AND I THINK THAT HAS BEEN A PROBLEM, HASN'T
22 IT?

23 MS. RICE: I BELIEVE THE ISSUE HAS BEEN,

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24 AT LEAST FROM MY UNDERSTANDING, THAT REGULATION IS
25 CLEAR THAT THE LEA HAS A COMPLETENESS REVIEW AND IS

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1 GIVEN 30 DAYS TO DO THAT. STATUTE AND REGULATION
2 IN SPEAKING TO THE BOARD SPEAK TO RECEIPT OF THE
3 PERMIT APPLICATION, NOTHING ABOUT COMPLETENESS,
4 JUST SHEAR RECEIPT OF IT; IN OTHER WORDS, YOU GOT
5 IT IN THE MAIL. SO THAT HAS BEEN THE
6 INTERPRETATION THAT I HAVE UNDERSTOOD THE YEARS
7 THAT I'VE BEEN AT THE BOARD, WHICH IS WHY WE HAVE
8 FELT CONSTRAINED WITHOUT REGULATORY CHANGE TO PUT
9 ANY MORE SCREEN ON IT THAN RECEIPT STARTING THE
10 60-DAY CLOCK.

11 IT IS VERY CLEAR IN REGULATION THAT
12 THE LEA HAS A COMPLETENESS REVIEW, AND THE RECENT
13 CHANGE WE'VE BEEN DISCUSSING WITH THE TITLE 27
14 REGULATIONS IS THAT THEY NOW CERTIFY TO US THAT THE
15 PACKAGE IS COMPLETE AND CORRECT. BUT WE DID NOT
16 ADD A COMPLETENESS REVIEW FOR THE BOARD. SO THE --
17 IT'S REALLY HOW YOU DEFINE RECEIPT. WHAT IS
18 RECEIPT OF A PACKAGE? IS IT RECEIPT OF A COMPLETE
19 PACKAGE OR JUST RECEIPT OF A PACKAGE? AND TO DATE
20 IT'S BEEN CONSTRUED TO BE JUST RECEIPT OF THE
21 PACKAGE, WHICH IS, I THINK, WHY WE'VE ALWAYS
22 PROPOSED IT AS A POTENTIAL REGULATORY CHANGE. AND
23 THAT MAY JUST BE THE HISTORY OF HOW WE'VE DEALT

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24 WITH IT ALL THESE YEARS.

25 CHAIRMAN JONES: I DON'T KNOW HOW YOU

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1 FEEL, MR. RELIS. I FEEL, AS AN OPERATOR, I
2 COULDN'T GIVE THEM EVERYTHING UNLESS IT WAS
3 COMPLETE. TO ME THAT'S JUST COMMON SENSE. I'D
4 LIKE US TO LOOK DOWN THAT ROAD A LITTLE BIT AND --
5 BECAUSE I THINK WE CAN ASSERT THAT. I THINK BY
6 DEFINITION WE CAN ASSERT. WE'RE NOT SAYING IT'S
7 GOT TO BE PERFECT, JUST MAKE SURE ALL THE PIECES
8 ARE THERE BECAUSE I KNOW FOR A FACT THAT PEOPLE
9 HAVE CALLED UP AND SAID, "I'VE GOT A PACKAGE COMING
10 IN IN THREE WEEKS. GET IT ON THE DOCKET," AND THAT
11 GIVES A WEEK FOR US TO REVIEW IT. I DON'T THINK
12 THAT'S THE INTENT OF RECEIPT OF A PACKAGE.

13 MEMBER RELIS: SO, MR. CHAIR, ARE YOU
14 SAYING THAT -- THERE ARE TWO ISSUES, OKAY. RIGHT
15 NOW THE 60-DAY CLOCK IS TRIGGERED BY A LETTER -- A
16 PACKET ARRIVING. FORGET WHAT THE CONTENTS ARE.
17 ONCE IT'S ARRIVED, THE CLOCK'S TICKING, RIGHT?

18 MS. RICE: RECEIPT OF A PROPOSED PERMIT.

19 BOARD MEMBER RELIS: SO OPENING THAT AND
20 GOING THROUGH A CHECKLIST AND FINDING OUT WHETHER
21 IT'S COMPLETE OR NOT HAS NO BEARING ON THAT CLOCK.
22 AND THE ISSUE THAT YOU HAVE RAISED IS SHOULD WE NOT
23 HAVE THE CLOCK START AFTER IT'S DEEMED THAT

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24 SOMEONE'S GONE THROUGH, CHECKED OFF ALL THOSE
25 POINTS, AND THEN THE CLOCK STARTS. THAT'S THE, I

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1 GUESS, THE DECISION THAT COULD BE CONTEMPLATED.

2 I KNOW THAT'S NOT -- THAT'S A
3 DISCUSSION TODAY. AND I GUESS THE QUESTION WOULD
4 BE WOULD WE WANT TO DOCKET THAT AS A CONSIDERATION
5 ITEM.

6 I WOULD ADD ALSO THAT FROM OUR RECENT
7 EXPERIENCES WITH THE STANDARDIZED PERMIT, WE'VE HAD
8 A COUPLE OF REALLY MESSY STANDARDIZED PERMIT
9 HEARINGS THAT I DON'T THINK SERVE THE APPLICANT OR
10 US WELL. AND I WOULD -- I WOULD LIKE TO OPEN THAT
11 ISSUE, CONSIDER A 60-DAY ON THE STANDARDIZED
12 BECAUSE OF THE RIDICULOUS TIME FRAME WE WERE IN ON
13 TWO OCCASIONS AND WITH NOT A VERY SUCCESSFUL
14 OUTCOME. WE INITIATED THAT IN THE BELIEF THAT THIS
15 WOULD BE A WAY OF SAVING TIME AND EXPEDITING
16 CERTAIN TYPES OF PERMITS THAT WE THOUGHT WERE OF A
17 LOWER THRESHOLD. AND I'M AFRAID THAT HASN'T WORKED
18 OUT AS WELL AS THE BOARD THOUGHT IT MIGHT.

19 MS. TOBIAS: I WILL SAY, MR. RELIS, AND I
20 WAS IN ON THE EARLY DISCUSSIONS AND ADOPTION OF
21 THOSE TIERED REGULATIONS, THE IDEA WAS REALLY TO
22 GIVE OPERATORS SOME REASON TO FIT INTO THE
23 DIFFERENT TIERS. SO THAT WAS ACTUALLY PROPOSED AS

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24 AN INCENTIVE. AND AS MR. DIER AND OTHER STAFF HAVE
25 POINTED OUT OVER TIME, THE BOARD, FOR, YOU KNOW,

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1 THEIR OWN LEGITIMATE REASONS, HAS NOT WANTED TO
2 DELEGATE THE APPROVAL OF THAT TO STAFF, THAT THE
3 ORIGINAL PROPOSAL HAD BEEN THAT WE COULD DO IT IN
4 30 DAYS BECAUSE THE PERMIT SHOULD COME IN TO MEET
5 CERTAIN STANDARDS. THAT'S THE WHOLE BASIS OF
6 STANDARDIZED PERMIT. AND IF IT CAME IN AND MET
7 THOSE STANDARDS, THEY REALLY DID NOT NEED THAT HIGH
8 LEVEL OF DISCRETIONARY REVIEW BY THE BOARD.

9 MEMBER RELIS: BUT -- I THINK YOU LEFT OUT
10 ONE POINT. WE DID LEAVE IT DISCRETIONARY INsofar
11 AS UNLESS THERE WAS CONTROVERSY, IT WAS THE
12 EXECUTIVE OFFICER HAS THE AUTHORITY.

13 MR. DIER: THE DRAFT OF THE TIERED REGS,
14 THE 30 DAYS, AS I RECALL, WAS PRESENTED IN THE
15 DRAFT OF THE TIERED REGS IN CONJUNCTION WITH
16 DELEGATION, AND THE DELEGATION WAS REMOVED FROM THE
17 REGS WHEN THEY WERE ADOPTED, BUT THE 30 DAYS WASN'T
18 CHANGED.

19 MS. TOBIAS: THE IDEA WAS, I THINK,
20 ORIGINALLY --

21 MEMBER RELIS: THAT'S RIGHT. I THINK WE
22 NEED TO SOMEHOW COME UP WITH A COMBINATION. WE
23 LIKE THE INCENTIVE SIDE, BUT WE ALSO REALIZE THAT

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24 THERE WERE GOING TO BE CASES WHERE IT WAS NOT
25 GOING -- WHERE THE BOARD WANTED A LOOK AT SOME OF

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1 THESE. AND SO THAT'S WHY, I THINK, WE CONCLUDED AT
2 THAT TIME THAT, YEAH, WE'LL SHORTEN THE TIME FRAME,
3 KEEP BOARD OVERSIGHT.

4 MS. TOBIAS: WELL, IT MAY BE TIME TO
5 REVIEW THAT AGAIN AS STAFF HAVE BROUGHT THIS
6 FORWARD BEFORE, AND THE BOARD HAS BEEN THUS FAR
7 UNWILLING TO CONSIDER THAT. IT MAY BE TIME TO LOOK
8 AT IT AGAIN AND TO SEE IF THERE COULD BE A WAY TO
9 MOVE IT TO A DELEGATION WITH THE ABILITY OF THE
10 BOARD TO EITHER PULL UP A PERMIT IF THEY GET WIND
11 OF SOMETHING OR TO HAVE THE EXECUTIVE DIRECTOR OR
12 THE DEPUTY TO BE ABLE TO SAY, NO, THIS ONE DOES
13 HAVE, YOU KNOW, SOME CONFLICT WITH IT. MAYBE ADOPT
14 SOME GUIDELINES SO THAT --

15 MEMBER RELIS: BECAUSE, IN EFFECT, WHAT WE
16 WERE TRYING TO DO WITH THAT WAS THE CONSENT AGENDA.
17 THAT'S WHAT I MEANT. AT THE OUTSET WE WERE
18 ATTEMPTING TO PUT THESE TYPES OF PERMITS IN A
19 CONSENT MODE UNLESS THEY WERE PULLED.

20 MS. TOBIAS: THIRTY DAYS DOESN'T WORK FOR
21 THAT.

22 MEMBER RELIS: SEE, THAT'S THE PROBLEM,
23 RIGHT.

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24 MS. RICE: BASED ON OUR EXPERIENCE,
25 DELEGATION MAY NOT WORK ALL THAT EFFECTIVELY EITHER

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1 BECAUSE THE WAY YOU HAVE TRADITIONALLY DELEGATED IS
2 YOU DELEGATE THE ABILITY TO SAY YES. IF THERE ARE
3 ANY ISSUES OR IF THERE IS KNOWN OPPOSITION, YOU
4 HAVE WANTED TO SEE THOSE, AND RIGHTFULLY SO.

5 AS WE'VE SEEN, MANY OF THE COMPOST
6 FACILITIES HAVE ISSUES ASSOCIATED WITH THEM THAT
7 COME TO YOUR ATTENTION, AND YOU'RE LIKELY TO WANT
8 TO HEAR THOSE ISSUES.

9 IT MAY BE THAT THE ISSUE WE'RE TRYING
10 TO ADDRESS, WHICH IS SHORT TIME FRAME TO REVIEW A
11 COMPLEX PROJECT, IS NOT ADDRESSED BY DELEGATION
12 BECAUSE YOU'D BE REVIEWING IT IN 30 DAYS ANYWAY
13 BECAUSE IT WOULD BE ONE YOU WOULD WISH TO HEAR, AND
14 YOUR DELEGATION WOULD SAY YOU SHOULD HEAR IT
15 BECAUSE THERE ARE ISSUES THERE.

16 SO I THINK OUR EXPERIENCE HAS SHOWN
17 THAT DELEGATION MAY NOT BE THE ANSWER, BUT
18 REVIEWING THE REGULATION AND WHETHER THE 30 DAYS IS
19 EFFECTIVE MAY BE A GOOD WAY TO GO.

20 MS. TOBIAS: MR. CHAIR, IF I COULD, I'D
21 LIKE TO -- SUZANNE HAMBLETON HAS BROUGHT TO MY
22 ATTENTION, AND I THINK WE'RE ALL STILL WORKING WITH
23 THESE TITLE 27 REGS, BUT SHE'S POINTING OUT IN

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24 SECTION 21685 THAT THE REGULATION DOES SAY THAT
25 CIWMB SHALL NOT CONCUR IN THE ISSUANCE OF A

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1 PROPOSED PERMIT IF THE FOLLOWING INFORMATION HAS
2 NOT BEEN SUBMITTED TO THE LEA AND THE BOARD. AND
3 THEN BASICALLY IT'S ALL OUR ISSUE REQUIREMENTS.
4 SO I THINK THAT THAT'S ONE WAY THAT
5 MAY HELP WITH THIS, AND THEN THE QUESTION, I THINK,
6 THAT DOROTHY IS BRINGING UP IS THAT WE'VE ALWAYS
7 INTERPRETED THAT ISSUE OF THE WORD "RECEIPT." I
8 HAVE TO SAY THAT WAS DONE BY MY PREDECESSOR. IT'S
9 SOMETHING THAT WE COULD LOOK AT AND SEE IF THERE'S
10 A BASIS IN WHICH TO CHANGE THAT.
11 I THINK THAT DEPUTY DIRECTOR RICE IS
12 INTERESTED IN PERHAPS AN ABILITY TO REVIEW THESE
13 PERMITS FOR A COMPLETENESS. THE LEGAL OFFICE WOULD
14 STILL SUPPORT THE IDEA OF A CALENDARING BASIS. WE
15 FEEL THAT THERE -- AND YOU MAY HAVE NOTICED THAT ON
16 A NUMBER OF THE PERMITS OVER THE LAST YEAR, WE'VE
17 INDICATED ON OUR SIGN-OFF THAT THERE'S INSUFFICIENT
18 INFORMATION THAT WE ARE NOT SIGNING OFF ON THE
19 REVIEW BECAUSE ON A NUMBER OF THESE, WE DON'T WANT
20 TO LEAVE THE IMPRESSION THAT THE LEGAL OFFICE IS
21 BASICALLY SAYING OKAY. I THINK IT'S A SMALL POINT,
22 BUT NEVERTHELESS IT'S DIFFICULT, I THINK, FOR BOTH
23 THE BOARD AND THE LEGAL OFFICE TO, YOU KNOW, KNOW

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24 WHAT'S REALLY COMING UP TO THEM WHEN HALF THE
25 INFORMATION IS NOT AVAILABLE AT THE TIME THAT YOU

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1 REVIEW THE AGENDA ITEM.

2 SO TO THE EXTENT POSSIBLE, I THINK WE
3 SUPPORT STAFF IN WHAT THEY'RE DOING, BUT WE ALSO
4 SUPPORT THE IDEA OF AT LEAST ATTEMPTING SOME KIND
5 OF CALENDARING OPTION PERHAPS FOR A YEAR, MAYBE
6 REVIEWING IT IN A YEAR AND SEE HOW IT WORKS, HOW
7 THE LEA'S COME BACK AND TELL US WHETHER IT'S BEEN
8 DIFFICULT TO DEAL WITH OR NOT. IN THE MEANTIME WE
9 CAN CERTAINLY LOOK AT THE RECEIPT IDEA AND -- FROM
10 A LEGAL STANDPOINT.

11 MEMBER RELIS: MR. CHAIR, WE'VE ALSO HAD
12 MORE CASES THAT I RECALL WHERE WE'RE COMING RIGHT
13 DOWN IN BRIEFING TO NO RECOMMENDATION, AWAITING
14 FURTHER INFORMATION. AND THAT ALWAYS DISTRESSES
15 ME. I MEAN I'M AT A BRIEFING AND I'M GOING, "WELL,
16 OKAY, WE'RE PROBABLY GOING TO GET IT, AND WHEN ARE
17 WE GOING TO GET IT?" AND I JUST THINK THAT CREATES
18 HEARTBURN. AND THOSE WERE NOT ALTOGETHER
19 CONTROVERSIAL ONES, BUT CERTAINLY IN A CASE WHERE
20 WE HAVE SOME CONTROVERSY, SOME SUBSTANTIVE DEBATE,
21 THAT'S GOING TO WEIGH HEAVILY.

22 CHAIRMAN JONES: I AGREE. I MEAN I THINK
23 THAT IT WOULD BE IMPORTANT TO SEE THAT LISTING THAT

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24 WE HAD TO JUST SEE WHERE WE'RE FALLING OUT IN THE
25 CALENDAR. AND I THINK THAT WOULD HELP US DETERMINE

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1 WHERE TO GO.

2 AND THEN I WANT TO MAKE IT CLEAR AND

3 I THINK I HAVE IS THAT WHEN I'M TALKING ABOUT THE

4 COMPLETENESS, I'M NOT TALKING ABOUT A REVIEW AS TO

5 THE QUALITY OF THE WORK. I'M JUST LOOKING AT ARE

6 ALL THE ITEMS THERE, YOU KNOW, AND THEN IT STANDS

7 OR FALLS TWO MONTHS INTO THE PROCESS ON THE MERIT

8 OF THE PROJECT. BUT, YOU KNOW, I MEAN I JUST THINK

9 TO BE MISSING ONE PIECE OF PAPER AND JUST MAKE THE

10 CALL AND SAY, LOOK, I'VE GOT TO GET THIS IN HERE

11 FOR THIS TO BE A COMPLETE PACKAGE IS FAIR TO THE

12 OPERATOR, IT'S FAIR TO THE LEA, AND IT'S FAIR TO

13 THIS BOARD BECAUSE I DON'T WANT THESE THINGS TO END

14 UP GOING LONGER THAN THEY NEED TO.

15 SOMETIMES I THINK IT'S JUST AN

16 OVERSIGHT OR SOMEBODY JUST MADE A DETERMINATION

17 THAT, NO, WE'RE NOT GOING TO GIVE YOU THAT STUFF.

18 WE DON'T THINK YOU HAVE THE NEED. THAT'S FINE. IF

19 IT'S ON THE COMPLETENESS, THEN WE'RE NOT INCLUDING

20 ANY OF THIS INFORMATION BECAUSE WE DON'T THINK YOU

21 NEED IT, THEN THAT'S OKAY. I DON'T HAVE A PROBLEM

22 WITH SEEING THAT. BUT, YOU KNOW, I JUST THINK IT'S

23 FAIR TO AN OPERATOR AND TO AN LEA TO LET THEM KNOW

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24 WE'RE MISSING TWO PIECES OF PAPER.

25 MR. DIER: IT'S A SMALL POINT, BUT MAYBE

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1 I'M WRONG, BUT I THINK THERE'S BEEN AN IMPRESSION
2 LEFT THAT STAFF DOESN'T DO A COMPLETENESS REVIEW
3 NOW, BUT WE DO. THAT'S ONE OF THE FUNCTIONS OF THE
4 PERMIT STAFF. I THINK IT AT TIMES DOESN'T GET
5 ACKNOWLEDGED WELL ENOUGH HOW MUCH OF AN EFFORT
6 STAFF DOES TO ACTUALLY CLEAN UP A LOT OF THESE
7 PACKAGES BEFORE THEY GET TO COMMITTEE AND BOARD.

8 WE DO DO A COMPLETENESS REVIEW OF
9 EVERY PERMIT THAT COMES IN. THE PROBLEM IS THAT WE
10 DON'T HAVE THE ABILITY TO, SAY, STOP A CLOCK OR
11 ANYTHING. WE DO THE COMPLETENESS AND WE
12 IMMEDIATELY LET THE LEA KNOW IF THERE ARE ANY
13 DEFICIENCIES, IF THERE'S ANY PIECES MISSING BECAUSE
14 THEN THE LEA AND THE OPERATOR HAVE THE OPTION TO
15 DECIDE WHETHER OR NOT, WELL, WE'LL WITHDRAW IT AND
16 RESUBMIT IT, WE'LL WAIVE TIME. WE DON'T THINK
17 THAT'S AN ISSUE. WE'LL TAKE OUR SHOTS AT THE
18 COMMITTEE AND BOARD AND LET THEM DECIDE.

19 THERE'S SEVERAL OPTIONS AT THAT
20 POINT, BUT THAT'S ONE OF THE PRIMARY THINGS THAT
21 STAFF IS DOING IS REVIEWING THOSE PACKAGES AND
22 LETTING THE LEA KNOW AS SOON AS POSSIBLE WHETHER OR
23 NOT IT'S COMPLETE. WE CAN'T DO ANYTHING WITH IT

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24 BEYOND THAT OTHER THAN ADVISING THE LEA AT THAT
25 POINT.

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1 CHAIRMAN JONES: I UNDERSTAND THAT, DON.
2 WHAT I'M SAYING IS WHAT YOU'RE LOOKING AT AS PART
3 OF YOUR COMPLETENESS IS THE ACCURACY OF THE DATA.

4 MR. DIER: WELL, THAT'S PART OF THE WHOLE
5 TITLE 27 DISCUSSION. YOU'RE CHANGING THE WAY IN
6 WHICH WE LOOK AT THE DETAILS OF THAT PACKAGE.
7 STILL TWO STEP. FIRST, ARE ALL THE PIECES THERE?
8 IF THERE'S ANYTHING MISSING, IMMEDIATELY LET THE
9 LEA KNOW. SECONDLY, THEN IF IT'S COMPLETE, WHAT IS
10 THE --

11 CHAIRMAN JONES: IS IT GOOD WORK?

12 MR. DIER: IS IT GOOD WORK? THAT'S WHAT
13 WE'RE REDEFINING. WE'RE STEPPING BACK FROM THE
14 VERY DETAILED REVIEW OF THE SUPPORTING
15 DOCUMENTATION. WE'RE LOOKING FOR CONSISTENCY. IS
16 THE PROJECT CONSISTENT BETWEEN THE CEQA DOCUMENT,
17 THE PERMIT, AND THE RFI? IF IT IS, NO PROBLEM.

18 CHAIRMAN JONES: AND I THINK WE KNOW HOW
19 HARD THE STAFF WORKS BECAUSE WE SEE YOU SCRAMBLING
20 ALL THE TIME TO TRY TO GET THESE THINGS RESOLVED.
21 IF WE DON'T ACKNOWLEDGE THAT ENOUGH, THEN THAT'S
22 OUR FAULT. BUT YOU GUYS DO A GOOD JOB. I JUST
23 WANT TO MAKE SURE THAT WHAT I WANT IS NOT -- I

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24 THINK TO MAKE SURE THAT IS THE CLOCK IS GOING TO
25 START, NOT THE ACCURACY PART, JUST THE FACT THAT

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1 ALL THOSE PIECES ARE THERE, I THINK THAT'S FAIR TO
2 AN LEA AND TO AN OPERATOR.

3 WE HAD ONE SPEAKER. NORMALLY WE LET
4 THEM SPEAK FIRST, BUT I WANTED TO START THE
5 CONVERSATION. MR. SWEETSER, SORRY TO MAKE YOU
6 WAIT.

7 MR. SWEETSER: NO PROBLEM. USED TO BEING
8 AROUND HERE. LARRY SWEETSER AGAIN, DIRECTOR OF
9 REGULATORY AFFAIRS, NORCAL WASTE SYSTEMS. AND
10 SUPPORTING THE IDEA OF FIXING THE PROCESS. IT DOES
11 NEED SOME REFORM.

12 I KNOW I WOULD APPRECIATE, I'M SURE
13 WE ALL WOULD APPRECIATE A MORE BORING PROCESS ON
14 SOME OF THESE PERMITS RATHER THAN THIS MAD SCRAMBLE
15 AT THE END. I THINK WE NEED TO ALSO LOOK AT THE
16 REASONS FOR SOME OF THIS. IT'S NOT FAIR THAT
17 EVERYONE IS JAMMED. I KNOW STAFF, THE EFFORT THEY
18 PUT INTO SOME OF THESE PERMITS, ESPECIALLY ON THE
19 STANDARDIZED, I THINK THAT'S SOMETHING THAT DOES
20 NEED TO BE RELOOKED.

21 I KNOW THOSE OF US IN THE INDUSTRY
22 HAVE TALKED ABOUT THAT. WE DON'T REALLY SEE AS
23 MUCH BENEFIT AS WE THOUGHT THERE WOULD BE. AND WE

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24 HAVE SEEN SOME ABUSES OF THE PROCESS. I HAVE NO
25 PROBLEMS AT ALL RELOOKING AT SOME OF THAT.

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1 AND ALSO THE COMPLETENESS REVIEW, I
2 THINK, IS SOMETHING MORE THAN JUST MAKE SURE THE
3 CORRECT POSTAGE IS ON THE DOCUMENTS WHEN THEY GET
4 THERE. MAKING SURE THAT ALL THE PIECES ARE THERE
5 IS VERY HELPFUL TO HAVE THAT. AND IT'S NOT JUST
6 FOR THE REASONS THAT YOU MENTIONED AS FAR AS A
7 MISSING DOCUMENT OR SOMETHING THAT SOMEBODY MAY BE
8 TRYING TO HIDE. THERE'S ALSO CASES THAT OCCUR
9 WHERE SOMETHING NEW IS BEING REQUIRED, PARTICULARLY
10 IN REGARDS TO A CEQA ISSUE WHERE SOMETHING MAY NEED
11 TO BE LOOKED AT. AND THAT ALSO FIGURES INTO IT. I
12 KNOW IT'S CAUSED ME A LOT OF ISSUES, AND I KNOW
13 SOME OF OUR PLANNERS HAVE A LOT OF TROUBLE WITH
14 THAT ISSUE, SO IT'S NOT JUST THOSE TWO REASONS.

15 AND IT'S NICE TO BE ABLE TO HAVE A
16 COMPLETE AND EVERYTHING THERE. I DON'T WANT TO SEE
17 THAT DOOR CLOSED BECAUSE ONE PIECE OF PAPER IS
18 MISSING AND WE KNOW WE CAN GET IT TO YOU IN TIME.
19 THERE'S BEEN CASES WHERE THAT DIDN'T HAPPEN AND
20 WE'VE PULLED THE PERMIT. SO THAT'S NOT A
21 DISAGREEABLE ALTERNATIVE TO LOOKING AT THAT. BUT
22 JUST BECAUSE ONE PIECE OF PAPER ISN'T THERE, WE
23 KNOW IT'S COMING, LET'S NOT CLOSE THE DOOR ON AN

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24 APPLICATION. IF IT'S INACCURATE, THAT'S ANOTHER
25 ISSUE.

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1 WE NEED TO LOOK AT ALL THOSE REASONS
2 AS FAR AS WHAT'S INCOMPLETE, WHAT'S INACCURATE, AND
3 INCONSISTENCIES. THIS GETS BACK TO SOMETHING I
4 MENTIONED BEFORE AS FAR AS GETTING INVOLVED EARLIER
5 IN THE PROCESS AND HAVING A LOT BETTER
6 UNDERSTANDING OF WHAT IT IS THAT'S SUPPOSED TO BE
7 THERE BECAUSE EVEN WITH ALL THE EXPERIENCE A LOT OF
8 US HAVE, THESE PROBLEMS KEEP HAPPENING OVER AND
9 OVER AGAIN, AND THERE'S GOT TO BE A REASON ON THE
10 FRONT-END THAT NEEDS TO BE ADDRESSED. AND THE PCP
11 PROPOSAL IS LOOKING AT THAT. AND THE SOONER WE ALL
12 GET INVOLVED AND THE SOONER THAT PROCESS GETS UNDER
13 WAY I THINK THAT WILL ADDRESS A LOT OF THE
14 QUESTIONS. ONCE WE CLEARLY UNDERSTAND WHAT THE
15 PROCESS IS, THERE'S GOING TO BE LESS EXCUSES FOR
16 WHY SOMETHING IS MISSING.

17 MEMBER RELIS: I TAKE IT, THEN, YOU
18 WOULDN'T OPPOSE US CALENDARING A CONSIDERATION ITEM
19 ON THIS.

20 MR. SWEETSER: NOT AT ALL. I DO HAVE A
21 CONCERN ABOUT PLAYING WITH THE CLOCK A LITTLE BIT
22 TOO MUCH. WE LIKE THAT ABILITY THERE. I THINK
23 THERE IS DEFINITELY REASONS WHY WE NEED TO BE

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24 LOOKING AT ON WHY THIS IS CONTINUALLY A PROBLEM,
25 AND I'D MUCH RATHER COME UP AND ARGUE ON SUBSTANCE

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1 RATHER THAN CLAIMING A PIECE OF PAPER WASN'T THERE
2 AND REASONS WHY. LET'S MOVE FAST, BUT LET'S NOT
3 MAKE IT TOO STRINGENT OF A PROCESS. THANK YOU.

4 CHAIRMAN JONES: OKAY. THANKS.

5 MS. TOBIAS: LEGAL OFFICE WILL LOOK AGAIN
6 AT THE ISSUE OF RECEIPT WITH P&E AND BASICALLY WORK
7 WITH THE STAFF ON THAT PARTICULAR ISSUE.

8 MEMBER RELIS: SO THERE'S THE LEGAL ISSUE,
9 HOW WE'VE INTERPRETED WHEN THE CLOCK STARTS;
10 THERE'S THE STANDARDIZED MATTER; AND THEN THERE'S
11 IF WE WERE TO CONCLUDE THAT THE LEGAL -- WELL,
12 THAT'S ALL REALLY THE SAME ISSUE DEPENDING ON --

13 MS TOBIAS: ON THE CALENDARING LEGAL HAS
14 ALWAYS TAKEN THE POSITION THAT WE ACTUALLY COULD DO
15 THAT BY POLICY. YOU'RE ALLOWED -- FOR INTERNAL
16 POLICIES THAT THE BOARD ADOPTS, YOU DO NOT HAVE TO
17 PUT THOSE IN REGULATION. I WOULD SUGGEST THEY BE
18 IN REGULATION BECAUSE I THINK THE REGULATION
19 PROCESS ALLOWS FOR A HEARING AND NOTICE TO THE
20 PARTIES, AND I THINK THAT'S VERY IMPORTANT IN
21 LETTING ALL OUR PARTIES, THE PARTIES, OPERATOR, THE
22 LEA'S, ANY INTERESTED PARTIES COME FORWARD. AND I
23 THINK IT THEN GIVES YOU THE BASIS OF RELYING ON

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24 YOUR OWN REGULATIONS.

25 SO I WOULD SUGGEST REGULATIONS FOR

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1 THOSE, BUT THE LEGAL OFFICE CLEARLY FEELS THAT WE
2 HAVE THE AUTHORITY TO DO THAT.

3 MEMBER RELIS: SO, MR. CHAIR, SHOULD WE
4 REQUEST THAT THIS BE BROUGHT BACK IN THE FORM OF A
5 CONSIDERATION ITEM? I DON'T KNOW WHETHER -- IS A
6 MONTH ADEQUATE?

7 MS. RICE: I DON'T THINK WE CAN DO SO BY
8 NOVEMBER. THE TITLES ARE ALREADY DUE FOR THAT
9 RIGHT NOW AS WE SPEAK, SO DECEMBER AT THE
10 EARLIEST. JANUARY WOULD BE PREFERABLE BECAUSE WHAT
11 WE NEED TO DO IS DEVELOP THE OPTIONS WE'VE
12 PRESENTED AS IDEAS TODAY, WORK WITH THE LEGAL
13 OFFICE ON THE UNDERLYING AUTHORITY ISSUE, AND THAT
14 WILL DICTATE WHAT A LOT OF THE OPTIONS LOOK LIKE
15 AND THAT WE DON'T NEED COMPLEX OPTIONS IF THE
16 AUTHORITY APPEARS FAIRLY BROAD.

17 CHAIRMAN JONES: AND YOU WILL HAVE A
18 COUPLE OF MORE LEA ROUND TABLES. AND THEN HOW
19 OFTEN DO YOU GO MEET WITH CCDEH?

20 MS. RICE: MONTHLY.

21 CHAIRMAN JONES: WHY DON'T WE CALENDAR
22 THIS FOR JANUARY?

23 MS. TOBIAS: I THINK WE WERE ALSO -- AND,

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24 DOROTHY, CORRECT ME IF I'M WRONG -- I THINK WE'RE

25 ALREADY WORKING ON A CALENDAR. I KNOW THE

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1 CHAIRMAN'S OFFICE HAS ASKED FOR ANY COMMENTS IN
2 TERMS OF DATES FOR NEXT YEAR, AND THEY'RE IN THE
3 PROCESS OF DEVELOPING THE CALENDAR FOR NEXT YEAR.
4 SO I THINK THAT WOULD KIND OF BE OUT AS A DRAFT
5 TYPE OF THING FOR EARLIER THAN JANUARY JUST TO LOOK
6 AT.

7 CHAIRMAN JONES: BUT I WOULD LIKE TO, I
8 THINK, IF NOTHING ELSE, JUST TO DISTRIBUTE MAYBE
9 THAT IDEA WITHIN THE NEXT 45 DAYS OR SO OF PERMITS
10 THAT HAVE COME IN AND WHERE THEY ARE IN
11 RELATIONSHIP TO OUR COMMITTEE MEETING, SO WE GET A
12 MORE QUANTITATIVE --

13 MEMBER RELIS: ARE YOU THINKING OF THAT AS
14 AN INFORMATION ITEM THAT WE WOULD HAVE?

15 CHAIRMAN JONES: YEAH. I DON'T KNOW IF WE
16 NEED TO HAVE AN ITEM IN COMMITTEE OR IF WE JUST
17 NEED TO GET IT DISTRIBUTED AND THEN BASED ON THAT,
18 WE GO TO THE NEXT STEP. I THINK WE JUST DO IT AS
19 AN INFORMATION ITEM IN THE FORM OF A MEMO TO GET AN
20 IDEA, AND THEN WE CAN TAKE THE NEXT STEP BASED ON
21 THAT, BUT I THINK IT'S IMPORTANT TO SEE, YOU KNOW,
22 JUST WHERE THE BARRIERS ARE OR WHERE THE, YOU KNOW,
23 WHERE THE ISSUES ARE.

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24 ALL RIGHT. WE HAVE CLEAR DIRECTION.

25 CLEAR UNDERSTANDING. WE HAVE ANY OTHER COMMENTS?

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1 HEARING NONE, WE HAVE OPEN DISCUSSION. IF ANYBODY
2 WANTS TO SPEAK, OTHERWISE, THANK YOU VERY MUCH.
3 THIS MEETING IS ADJOURNED.

4

5 (MEETING WAS THEN ADJOURNED AT 10:50
6 A.M.)

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